

CERTIFICATE OF AUTHORITY TO OPERATE A CEMETERY APPLICATION FORM

Use this form to apply to the Department of Real Estate for a Certificate of Authority to operate a cemetery.

This completed form must be accompanied by:

- 1) Recorded map of the cemetery that demonstrates dedication of the property to exclusively cemetery purposes.
- 2) Title Report dated within thirty (30) days and Vesting Deed(s).
- 3) A legible copy of all recorded documents shown in the Title Report.
- 4) A copy of the provisions, if any, limiting the use of the plots in the cemetery, and copies of any restrictive covenants affecting all or part of the cemetery including, but not limited to, copies of recorded Conditions, Reservations and Restrictions which run with the land and Cemetery Rules and Regulations.
- 5) A copy of agreements and contracts for sale containing the required contract disclosures as set forth in A.R.S. 32-2194.04.
- 6) Cemetery Owner/Applicant Entity Formation and Authorization Documents
- 7) A letter from a professional engineer detailing the flood and drainage conditions and stating that the cemetery is not subject to any known flooding or drainage hazards.
- 8) Financial Arrangements acceptable to the Commissioner for the completion and maintenance of all Cemetery Improvements, i.e. Performance Bond or Letter of Credit and engineer's cost estimates.
- 9) Financial Statement of applicant prepared in accordance with generally accepted accounting principles and audited by an independent certified accountant.
- 10) A trust agreement establishing the Irrevocable Trust Fund, including documentation demonstrating that all required payments have been made into the fund.
- 11) A photograph or reduced facsimile of a sign or signs to be used stating that the cemetery is an endowed or non-endowed cemetery.
- 12) Permanent Access Letter from a title insurance company, land surveyor, or professional engineer.

Once complete, this application and additional required documents should be submitted through our [Message Center](#).

CEMETERY OWNER/APPLICANT INFORMATION			
Applicant Name(s):			
Mailing Address:			
City:	State:	ZIP:	
Telephone:		Email:	
Owner/Applicant's Authorized Contact Person			
Name of Contact Person that Owner/Applicant authorizes the Department of Real Estate to accept and rely upon as accurate and complete all information and documentation provided by the named contact person in conjunction with this application:			
Company Name if different from Owner/Applicant such as a title company:			
Mailing Address:			
City:	State:	ZIP:	
Telephone:		Email:	

CEMETERY OWNER/APPLICANT INFORMATION

Type of Legal Entity (Select One)

Provide all required documents related to the legal entity type:

- ☐ Limited Liability Company:
- Articles of Organization and any amendments (or Application for Authority if Foreign entity) stamped "FILED" from the Arizona Corporation Commission
 - Articles must "certify to the establishment of an irrevocable trust fund for maintenance" in accordance with A.R.S. 32-2194.24.
 - Certificate of Good Standing, dated no earlier than one year from the date of the application, from the Arizona Corporation Commission
 - If the individual signing on behalf of the LLC is not listed in the Articles of Organization or authorized through the Operating Agreement, then a Company Resolution authorizing them to sign

- ☐ Corporation:
- Certificate of Good Standing, dated no earlier than one year from the date of the application, from the Arizona Corporation Commission
 - Articles of Incorporation that "certify to the establishment of an irrevocable trust fund for maintenance" in accordance with A.R.S. 32-2194.24.
 - Company Resolution authorizing the individual signing on behalf of the Corporation

- ☐ Partnership:
- Copies of all partnership agreements
 - Proof of registration with the Arizona Secretary of State if any partnership is a limited partnership, foreign or domestic
 - Proof that the individual signing on behalf of the Partnership is a partner

- ☐ Trust:
- Copies of all trust agreements
 - Proof that the individual signing on behalf of the Trust is listed in the trust agreement

- ☐ Natural Person.
- [A.R.S. § 25-502\(K\)](#) STATES: "Each licensing board or agency that issues professional licenses or certificates shall record the social security number of the licensee or certificate holder in its database in order to aid the Department of Economic Security in locating non-custodial parents or the assets of the non-custodial parents." You must provide the Department of Real Estate with your social security number, however, the number will not be disclosed to anyone other than a representative from another government agency in the course of the representative's official duties.

Legal Name: _____

SSN: _____

Signature: _____

Date: _____

If the Legal Entity is not a Natural Person, list the names and addresses of all officers, directors, shareholders, members, managers, or partners who hold a 10% or more interest in the company/corporation/partnership.

CEMETERY OWNER DISCIPLINARY ACTION DISCLOSURE

The applicant shall disclose whether the owner, agent, cemetery owner, officer, director or partner, trust beneficiary holding ten per cent or more direct or indirect beneficial interest or, if a corporation, any stockholder owning ten (10) percent or more of the stock in the corporation has:

1) Been convicted of a felony or misdemeanor involving fraud or dishonesty or involving conduct of any business or a transaction in real estate, cemetery property, time-share intervals or membership camping campgrounds or contracts.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2) Been permanently or temporarily enjoined by order, judgment or decree from engaging in or continuing any conduct or practice in connection with the sale or purchase of real estate or cemetery property, time-share intervals, membership camping contracts or campgrounds, or securities or involving consumer fraud or the racketeering laws of this state.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3) Had an administrative order entered against him by a real estate regulatory agency or security regulatory agency.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4) Had an adverse decision or judgment entered against him involving fraud or dishonesty or involving the conduct of any business or transaction in real estate, cemetery property, time-share intervals or membership camping campgrounds or contracts.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5) Disregarded or violated this chapter (Title 32, Chapter 20) or the rules of the commissioner pertaining to this chapter (Title 4, Chapter 28).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6) Controlled an entity to which would cause them to answer "Yes" to any of the above questions.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered "Yes" to any of the questions above, have you already disclosed the matter to the Arizona Department of Real Estate?	<input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you have disclosed it, indicate:

- Approximate Date of the Disclosure:

- Type of Disclosure:

If you have not disclosed it, use the [Disciplinary Document Checklist](#) to ensure that you submit a complete application, to include certified documents related to the disciplinary or criminal proceedings, except that a cemetery owner shall not be required to obtain and submit a valid Fingerprint Clearance Card. A cemetery owner that is a natural person will still be required to obtain and submit a valid Fingerprint Clearance Card.

LOCATION, SIZE, LAND USE, AND SURROUNDING AREA

Name of cemetery:	Legal description:
Total acreage of property:	Total acreage of continuous property contemplated for cemetery purposes by applicant:
Total number of burial spaces:	Total number of crypts or vaults:
Population within a 15-mile radius:	Source of population information:
Names and locations of other operating cemeteries within a 15-mile radius:	
If other cemeteries are located in the area of the proposed cemetery, explain why the area is not already adequately served:	

LOCATION, SIZE, LAND USE, AND SURROUNDING AREA

Has the city or county government approved the existing and proposed cemetery property? ☐ Yes ☐ No

If no, please explain:

A brief, but comprehensive statement describing the land on, and the locality in which the cemetery is located (level, hilly, rolling, etc.):

CONDITION OF TITLE

Are there any recorded or unrecorded liens against the cemetery property? ☐ Yes ☐ No

If yes, please explain:

Is there any special assessment, tax, or indebtedness proposed or existing? ☐ Yes ☐ No

If yes, please explain:

TRUST FUND

Trustee Name:

Contact Person:

Address:

City:

State:

ZIP:

CEMETERY PLANS, IMPROVEMENTS, COSTS, AND COMPLETION

Do you intend to operate a crematory on the cemetery property? If yes, attach a copy of your crematory license by the State Board of Funeral Directors and Embalmers. ☐ Yes ☐ No

Is there a columbarium? ☐ Yes ☐ No

Is there a mausoleum? ☐ Yes ☐ No

List all other existing or proposed improvements:

For any incomplete or proposed improvement, list projected completion date:

UTILITIES**Electricity**

Is electricity available? ☐ Yes ☐ No

If yes, state the name and address of the provider:

If not complete, state when it will be installed to the cemetery:

Natural Gas

UTILITIES			
Is natural gas available?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the name and address of the provider:			
If not complete, state when it will be installed to the cemetery:			
Telephone			
Is it available?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the name and address of the provider:			
If not complete, state when it will be installed to the cemetery:			
Water Supply			
What will the water provider be?	<input type="checkbox"/> Public Utility	<input type="checkbox"/> Co-op Irrigation District	<input type="checkbox"/> Other (describe):
Name and address of the company:			
Who has paid or will pay the cost of installation of the water system to the cemetery?			
When was or will the system be installed to the cemetery?			
Sanitation			
Are sewers installed now?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, when will sewers be installed to the cemetery?			
Who will pay the costs of installation of the sewer system?			
What are the estimated costs to extend the sewer service to the cemetery?			
Will interior sewers be public or private?			
Who is responsible for maintenance of the interior sewer system?			
If a sewer system is not to be installed, are individual sewage disposal systems to be used?			<input type="checkbox"/> Yes <input type="checkbox"/> No

UTILITIES

What are the costs to install a septic tank system and leach field?

Streets and Drives

Are streets bounding the cemetery public streets? If not, attach a separate sheet explaining how purchasers will have permanent and legal access to the cemetery. Support letters from a title insurance company and professional engineer may be required.

☐ Yes

☐ No

Will drives within the cemetery be surfaced?

☐ Yes

☐ No

What type of surface?

Who will pay for surfacing? Who will pay for blading and grading?

When will the drives be complete?

Will drives be maintained?

☐ Yes

☐ No

Who will maintain the drives?

ADDITIONAL QUESTIONS

What assurances exist for completion and maintenance of all improvements and utilities projects?

Who will be conducting sales? Provide name and address of cemetery broker, if applicable:

If the owner will conduct sales, is the owner a licensed cemetery broker?

☐ Yes

☐ No

Describe where signs will be located:

APPLICANT ATTESTATION

I understand that it is my obligation to comply with the statutes, rules, and regulations set forth by Arizona Law, and that such laws may be referenced at azleg.gov.

Applicant Signature:

Date:

Notice to Applicant Pursuant to A.R.S. § 41-1030

An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

This section may be enforced in a private civil action and relief may be awarded against the State. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.

A State employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the Agency's adopted personnel policy.

This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02

Notice to Applicant Pursuant to A.R.S. § 41-1093

An agency shall limit all occupational regulations to regulations that are demonstrated to be necessary to specifically fulfill a public health, safety or welfare concern. Pursuant to sections 41-1093.02 and 41-1093.03. Arizona Revised statutes, you have the right to petition this agency to repeal or modify the occupational regulation or bring an action in a court of general jurisdiction to challenge the occupational regulation and to ensure compliance with section 41-1093.01, Arizona Revised Statutes.

Notice to Applicant Pursuant to A.R.S. § 41-1093.08

Pursuant to Arizona Revised Statutes, Title 41, Chapter 6, Article 11, an applicant, licensee, registrant or certificate holder may petition the Office of Administrative Hearings to request a review of a denial, suspension or revocation of a license, registration or certificate for a prior criminal offense.