

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 985
HOUSE BILL 546

1 AN ACT REWRITING G.S. 58-228 AND G.S. 58-237 RELATING TO ASSESSMENTS
2 AGAINST MUTUAL BURIAL ASSOCIATIONS FOR THE EXPENSES OF THE
3 BURIAL COMMISSIONER AND RELATED TO THE BOND REQUIRED OF BURIAL
4 ASSOCIATIONS.

5
6 The General Assembly of North Carolina do enact:
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8 **Section 1.** G.S. 58-228, as the same appears in the 1965 Replacement Volume 2B
9 of the General Statutes, is rewritten as follows:

10 **"§ 58-228. Assessments Against Associations for Expenses of Burial Commissioner.**

11 "In order to meet the expenses of the supervision of the Burial Associations, the Burial
12 Association Commissioner shall prorate the amount of supervisory costs over and above any
13 other funds in his hands for this purpose and assess each association on a pro rata basis in
14 accordance with the number of members of each association, which total assessment shall, in
15 the aggregate, amount to eighty per centum (80%) of the total budget of the Burial Association
16 Commissioner as approved by the Director of the Budget and the Advisory Budget
17 Commission; Provided that, said total assessment shall not exceed fifty-six thousand dollars
18 (\$56,000). Each Burial Association shall remit to the Burial Association Commissioner its pro
19 rata part of the assessment, which expense shall be included in the thirty per centum (30%)
20 expense allowance as provided in Article 13 of G.S. 58-226. This assessment shall be made on
21 the first day of July of each and every year and said assessment shall be paid within 30 days
22 thereafter. If any association shall fail or refuse to pay such assessment within 30 days, the
23 Burial Association Commissioner is authorized to transfer all memberships and assets of every
24 kind and description to the nearest next association that is found by the Burial Association
25 Commissioner to be in good sound financial condition."

26 **Sec. 2.** G.S. 58-237, as the same appears in the 1965 Replacement Volume 2B of
27 the General Statutes, is rewritten to read as follows:

28 **"§ 58-237. Bond of Secretary or Secretary-Treasurer of Burial Association.**

29 "The Secretary or Secretary-Treasurer of each Burial Association shall, before entering
30 upon the duties of his office, and for the faithful performance thereof, execute a bond payable
31 to the Burial Commissioner as trustee for the Burial Association in some bonding company
32 licensed to do business in this State, to be approved by the Burial Association Commissioner.
33 Said bond shall be in an amount not less than one thousand dollars (\$1,000) nor more than ten
34 thousand dollars (\$10,000), in the discretion of the Commissioner, for those associations whose
35 assets, as determined by the Commissioner's audit, are ten thousand dollars (\$10,000) or less.
36 For those associations whose assets, as determined by the Commissioner's audit, are in excess
37 of ten thousand dollars (\$10,000), said bond shall be in an amount of ten thousand dollars
38 (\$10,000) plus twenty-five per centum (25%) of all assets over ten thousand dollars (\$10,000);
39 Provided however, that the bond required by this Section shall not in any event exceed fifty
40 thousand dollars (\$50,000). If any association operates a branch or subsidiary and the officers
41 of both associations are the same, for purposes of this Section, it shall be treated as one
42 association. Any Burial Association, with the consent of the Burial Association Commissioner,
43 may give a bond secured by a deed of trust on real estate situated in North Carolina, in lieu of

1 procuring said bond from a bonding company. The bond thus given shall not be acceptable in
2 excess of the ad valorem tax value for the current year of the real estate securing said bond. The
3 deed of trust shall be recorded in the county or counties wherein the land lies and shall be
4 deposited with the Burial Association Commissioner, name the Commissioner as trustee for the
5 Burial Association and must constitute a first lien on the property secured by the deed of trust.
6 Said deed of trust shall contain a description of the encumbered property by metes and bounds
7 together with evidence by title insurance policy or by certificate of an attorney at law,
8 certifying that said trustor is the owner of a marketable fee simple title to such lands."

9 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

10 **Sec. 4.** This Act shall be in full force and effect from and after its ratification.

11 In the General Assembly read three times and ratified, this the 28th day of June,
12 1967.