



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

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Cemetery Property

**TO: Assessors
Equalization Directors**

FROM: State Tax Commission (STC)

**RE: CEMETERY PROPERTY EXEMPTIONS AND TAXABLE BUSINESS
PROPERTY**

It is the position of the State Tax Commission, based on court rulings, that the following cited cemetery exemptions also exempt the real and personal property necessary for the operation of a cemetery such as maintenance buildings and equipment. Land held by a cemetery that is needed and intended for future use for burial purposes is also exempt.

It is the position of the State Tax Commission that the following cited exemptions do not exempt the real and personal property used in activities which are not necessary for the operation of a cemetery, such as manufacture and/or sale of caskets, vaults, monuments, flowers, etc. Depending on the circumstances, the real property used for these activities may be separately assessed; it may be assessed as a building on leased land; or it may be assessed in accordance with the provisions of MCL 211.181. The personal property of the business should be assessed as if it were not located on cemetery land.

MCL 211.7t states the following: "Land used exclusively as burial grounds, the rights of burial, and the tombs and monuments in the land, while reserved and in use for that purpose is exempt from taxation under this act. The stock of a corporation owning a burial ground shall not be exempt."

MCL 128.111 states the following about private burial grounds:

Sec. 1. That it shall be lawful for any person or persons in this state to lay out and survey any tract of land not included with the corporate limits of any city or village which may be owned by such person or persons, as a private burial ground for the use of their families or descendants for purposes of interment

of members of such families and descendants, and for no other purpose, not exceeding in quantity 1 acre of land, and may make a deed of the same to some person or persons to be named therein as trustees, with such provisions for continuing such trusteeship as they shall deem necessary, which said deed shall be acknowledged by such persons making the same, in the same manner as other deeds of land, and shall be recorded in the county where such land shall lie.

MCL 128.112 goes on to state that private burial grounds “. . . shall not be taxed for any purpose . . .”

MCL 456.101 states the following about rural cemetery corporations:

Sec. 1. That any number of persons not less than 10, who shall by articles of agreement in writing, associate themselves according to the provisions of this act, under any name assumed by them, for the purpose of purchasing land for a cemetery in this state, and for fencing, laying out, improving, maintaining and establishing the same and who shall comply with sections 2 and 3 of this act, shall, with their successors and assigns, constitute a body politic or corporate, under the name assumed by them in their articles of association: Provided, however, That no 2 corporations shall assume the same name.

MCL 456.108 provides the following exemption:

Sec. 8. All the lands of said corporation enclosed and set apart for cemetery purposes, and all rights of burial therein, shall be wholly exempt from taxation of any kind whatsoever.

In a related matter, MCL 456.205 provides the following exemption for cremation companies:

Sec. 5. All the lands of said corporation enclosed and set apart for crematorium or columbarium purposes, and all the buildings erected thereon, used for such purposes as well as all rights of inurnment therein, shall be wholly exempt from taxation of any kind whatsoever except special assessments for public improvements: Provided, That all stock owned by said stockholders shall be taxed in the manner provided by law.

IMPORTANT NOTE: This bulletin replaces STC Bulletin 7 of 1991.