

## **Instructions for Filing Notice of Unverified Cemetery to the Texas Historical Commission**

On September 1, 2017, Section 711.0111 of the Texas Health and Safety Code was amended to include a process for the Texas Historical Commission (THC) to review evidence of unverified cemeteries.

An **unverified cemetery** is defined as a location having some evidence of interment but in which the presence of one or more unmarked graves has not been verified by the Texas Historical Commission or a person described by Section 711.0105 (a) a cemetery keeper, a licensed funeral director, a medical examiner, a coroner, or a professional archeologist.

Sec. 711.0111. NOTICE OF UNVERIFIED CEMETERY. (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

## Checklist for filing notice with the Texas Historical Commission

Please submit notice of an unverified cemetery to the Texas Historical Commission and concurrently to the landowner on record and include the following information. See Example Letter, attached.

- Provide your contact information including mailing address, email address, and additional contact information (phone number and/or email address).
- Provide the current landowner's name and mailing address, as listed in the county appraisal district of the county in which the unverified cemetery is located. If known, provide any additional contact information that you may have (phone number and/or email address).
- Provide driving directions from the nearest community, including mileage and/or the 911 address for the unverified cemetery, if known, and GPS coordinates (i.e., 34.26758 - 95.123654), if known.
- Provide the legal description for the land occupied by the unverified cemetery (provide survey and abstract numbers and a description). This may be found in the county appraisal district of the county in which the unverified cemetery is located.
- Provide a listing of evidence: Physical elements might include potential graves marked only by stone, burial depressions, evidence resulting from inadvertent excavations, fencing, and/or commonly used grave plantings (iris, crepe myrtle). Documentary evidence might include a deed, family or community history, oral history, etc.
- Attach several location maps, which may include an **annotated** aerial image (Google map), a portion of USGS topographic map, and/or a hand drawn map, etc. Map(s) may be annotated to provide extent of evidence or alleged location of the cemetery.
- Attach other evidence such deeds, photographs, historic map(s), oral history transcription, etc.
- Attach a copy of the landowner letter (see sample, attached).

Mail the notice to the landowner and concurrently to the Texas Historical Commission at:

Pat Mercado-Allinger  
Archeology Division  
Texas Historical Commission  
PO Box 12276  
Austin, TX 78711-2276

Email: [archeology@thc.texas.gov](mailto:archeology@thc.texas.gov)

For more information, call THC's Archeology  
Program at 512. 463.6096  
or the  
[Archeological Reviewer for your region](#)  
or search for a listing of THC Archeologist  
division reviewers by county.

## FORM - NOTICE OF UNVERIFIED CEMETERY

Submitted to the Texas Historical Commission

Your contact information

Your Name: \_\_\_\_\_ Current landowner's contact information

Your Address \_\_\_\_\_ Name: \_\_\_\_\_

Your City, State, Zip \_\_\_\_\_ Address: \_\_\_\_\_

Other contact information (such as phone number, City, State, Zip: \_\_\_\_\_

email: \_\_\_\_\_ Other contact information, if known: \_\_\_\_\_

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The Cemetery is located (describe the location, including GPS information, if available):

GPS Coordinates: \_\_\_\_\_  
i.e., 34.26758 -95.123654

The legal description for the land occupied by the Cemetery is (provide survey and abstract numbers and a description):

Provide a list of evidence: Physical elements might include potential graves marked only by stone, burial depressions, evidence resulting from inadvertent excavations, fencing, and/or commonly used grave plantings (iris, crepe myrtle). Documentary evidence might include a publication such as a family or community history, oral history, photos, maps, etc. NOTE: if the cemetery is identified in a deed, please use the Notice of Existence of an Unknown or Abandoned Cemetery <http://www.thc.texas.gov/preserve/projects-and-programs/cemetery-preservation/discovery-and-notice-existence>.

This Notice signed and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(address)

THE STATE OF TEXAS §

§

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

## Example of Landowner Notification Letter

Your Name  
Your Address  
Your City, State, Zip

Landowner Name  
Landowner Address  
Landowner City, State, Zip

Date

Salutation,

Pursuant to the Texas Health and Safety Code Sec. 711.0111. **FILING RECORD OF UNVERIFIED CEMETERY:** (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.

(b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

(c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.

(d) If the Texas Historical Commission determines that there is sufficient evidence that a cemetery exists, the Texas Historical Commission shall file notice of the existence of the cemetery under the provisions of Section 711.0111.

Closing,

Your Signature

Your Name (printed)