

AMENDMENT TO INDIGENT BURIAL AGREEMENT

WHEREAS, the State of New Mexico has adopted a statute pertaining to the burial of indigents, as set forth in Sections 24-13-1 through 24-13-8 NMSA 2018; and,

WHEREAS, Curry County and Muffley Funeral Home, Inc have previously entered into an Indigent Burial Agreement, dated June 29, 2021; and

WHEREAS, pursuant to Section 24-13-1, as amended by the New Mexico legislature in H.B 407 2023.:

"It is the duty of each county in this state to authorize the interment or cremation of an unclaimed decedent. The county shall ensure that the body is buried or cremated no later than thirty days after a determination has been made that the body had not been claimed, but no less than fourteen days after death or discovery of the body. If the body is cremated, the county shall ensure that the cremated remains are retained and stored for at least two years, or one year for eligible veterans who qualify for veteran burial benefits, in a manner that allows for identification of the remains. After the expiration of two years, or one year for eligible veterans who qualify for veteran burial benefits, the cremated remains may be disposed of, provided the County retains a record of the place and manner of disposition for not less than five years after disposition." and

WHEREAS, pursuant to Section 24-13-3 of the New Mexico Statutes, as Amended by HB, if a decedent is unclaimed and has no estate, the burial or cremation expenses shall be borne by the county of residence of the decedent. If the county of residence of the decedent is not known, the burial or cremation expenses shall be borne by the county in which the decedent was found. The burial or cremation expense may be paid by the county out of the general fund or the health care assistance fund in the amount of one-thousand dollars (\$1,000) for the burial or cremation of the unclaimed decedent.

NOW, THEREFORE, FOR VALUABLE CONSIDERATION, pursuant to the New Mexico Statutes, Muffley Funeral Home, Inc. hereby agrees to conduct/handle the burial or cremation of indigent, unclaimed decedents as identified by Curry County in the amount of one-thousand dollars (\$1,000.00).

If a funeral director or other person authorized by law to conduct business of a funeral director receives or contracts to receive any money or thing of value from relatives or friends of an unclaimed decedent whose burial or cremation expenses are paid or to be paid by the county and fails to notify the county of that fact, the funeral director or other personal authorized by law to conduct business of a funeral director shall be liable to the county in an amount double the amount paid or to be paid by the county.

This Amendment to Indigent Burial Agreement shall not be effective until July 1, 2023.

DONE this 23rd day of may, 2023

Curry County:

Lance A Pyle

By: Lance Pyle, County Manager

Approved as to Form:

Daniel J Macke

Daniel J Macke, County Attorney

Funeral Home:

Comely & Sons

By: Managing Director

Its: _____