



**RESOLUTION NO. 2014-03**

**RESOLUTION FINDING A DECEDENT TO BE INDIGENT OR UNCLAIMED AND AUTHORIZING PAYMENT FOR THE BURIAL OR CREMATION OF AN INDIGENT PERSON, AS DEFINED IN SECTION 24-13-2 NMSA 1978, OR OF AN UNCLAIMED DECEDENT, AS DEFINED IN SECTION 24-13-1 NMSA 1978.**

**WHEREAS**, pursuant to Section 24-13-5 NMSA 1978, the Torrance County Board of County Commissioners may authorize payment for the burial or cremation of an indigent person, as defined in Section 24-13-2 NMSA 1978 or of an unclaimed decedent, as defined in Section 24-13-1 NMSA 1978; and,

**WHEREAS**, pursuant to Section 24-13-3 NMSA 1978, the burial or cremation expenses may be paid by the County out of the general fund or the county indigent hospital claims fund in an amount up to six hundred dollars (\$600) for the burial or cremation of any adult or minor; and,

**WHEREAS**, pursuant to Section 24-13-1 NMSA 1978, a dead person whose body has not been claimed by a friend, relative or other interested person assuming the responsibility for and expense of disposition shall be considered an unclaimed decedent; and,

**WHEREAS**, pursuant to Section 24-13-5 NMSA 1978, if the County pays expenses for burial or cremation, all available assets of the decedent shall be used to reimburse the County and/or, if the decedent left an estate, the decedent's estate shall reimburse the County; and,

**WHEREAS**, pursuant to Section 24-13-2 NMSA 1978, a deceased person shall be considered to be an indigent for purposes of this resolution if his estate is insufficient to cover the cost of burial or cremation; and

**WHEREAS**, pursuant to Sections 24-13-1 and 24-13-3 NMSA 1978, it is the duty of the Torrance County Board of County Commissioners to cause to be decently interred or cremated the body of any unclaimed decedent or indigent person known to have been a resident of Torrance County; and,

**WHEREAS**, Harris Hanlon Mortuary has informed Torrance County that Mr. Ernest M. Attebery III is deceased, his body is at their facility, and he is a qualified indigent person, as well as unclaimed; and,

**WHEREAS**, Mr. Attebery III is known to have been a resident of Torrance County.

**NOW THEREFORE, BE IT RESOLVED**, that the Torrance County Board of Commissioners hereby;

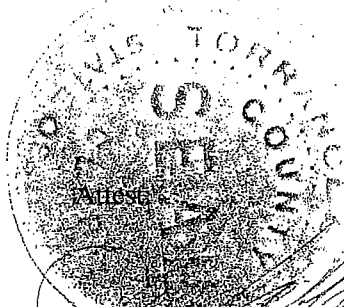
**1. FINDS:**

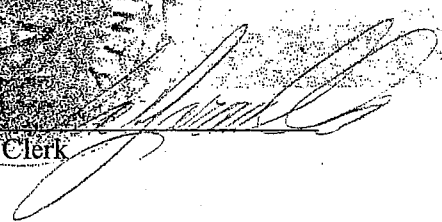
- a. That the decedent was a resident of Torrance County;
- b. That the decedent is an unclaimed decedent; and
- c. That if the decedent's estate is insufficient to cover the cost of burial or cremation, then he is an indigent decedent;

**2. AUTHORIZES:**

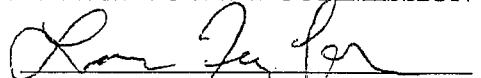
- a. The payment, in an amount not to exceed six hundred dollars (\$600), for the burial or cremation of the body;
- b. The Torrance County Manager to seek reimbursement from the estate for reimbursement for the burial or cremation expenses, unless the estate is insufficient to cover the cost of burial or cremation.

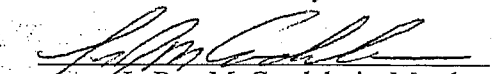
**DONE**, this 29<sup>th</sup> day of January, 2014.

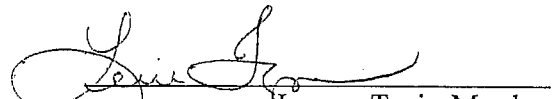


Attest:  
  
County Clerk

**TORRANCE COUNTY COMMISSION**

  
Lonnie Freyburger, Chair

  
LeRoy M. Candelaria, Member

  
Leanne Tapia, Member