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## Family's wishes conflict with Cedar Hill Cemetery rules

*BY ABBEY ROY*  
*Advocate Reporter*

NEWARK -- The Di Ionno family would like to be able to move past Michelangelo Di Ionno's death, but they've found themselves at a standstill.

Di Ionno died and was buried in a family plot at Cedar Hill Cemetery in April 2008, and his estate closed a year later.

When his wife, Pamela Di Ionno, sought to have a monument bearing her husband's name placed as a marker on his grave -- with the intention of eventually including her own name on it -- she and the Di Ionno family found themselves in a clash with the cemetery's rule book that has yet to come to a resolution.

"We just don't feel like we have any options left to our disposal," said Michelangelo's son, Matthew, who lives in Columbus with his wife, Natalie Di Ionno, and is baffled by the situation the family has found itself in. "You get this gut feeling that this is not right."

### MONUMENT ROW

While picking out a monument for Michelangelo's grave, Pamela was told that the family's eight-lot plot, originally bought almost 50 years ago and now owned by Pamela's mother, Elaine Smith, was not allowed to have a monument in addition to the one already in the center of the lot marking the grave of Smith's late husband, Gerald Smith.

Because the plot is in a section known as "monument row," only monuments are allowed on the graves, Cedar Hill Cemetery superintendent Jeff Hotchkiss said, and only one monument is allowed per lot, as stated in the cemetery's 1931 book of rules and regulations.

When the family proposed splitting the single lot into three, with units of three graves on the left and right and a two-grave unit with the current monument in the center, the request was declined with an explanation that a monument lot must have at least three graves.

"Historically, since 1850, you had to have three graves in order to have a monument," said Hotchkiss, referring to a rule in the cemetery rules and regulations that has become a key point of contention for the Di Ionnos.

The rule states that, "Monuments on three grave lots, maximum size base twenty by thirty-eight inches, and not over five feet high over all," and also specifies dimensions for six and 12-grave lots.

Because the rule does not specify dimensions for monuments on two-grave lots, Hotchkiss said, it should be understood that monuments must have at least three graves.

But the Di Ionnos -- who requested the rules and "went through them all with a fine-tooth comb," Natalie said -- disagree.

"They say that these words in the English language say 'x-y-z' when they really say 'a-b-c,'" Matthew said. "They can't point to a rule that says there has to be exactly three."

## SPLIT PROPOSALS

As an alternative, Hotchkiss proposed the family split the plot into two lots -- a unit of five on the right and a unit three on the left.

In keeping with cemetery regulations that specify a monument must be in the center of a lot, the current monument marking Gerald Smith would have to be shifted to the right so it would be in the center of a new five-grave lot.

The three-grave lot, in which Michelangelo would be in the center grave, then would be able to accommodate a monument.

The proposal was unacceptable to the Di Ionnos, however, who said if Smith's monument -- which includes his name, date of birth and date of death, as well as Elaine's name -- were moved, it no longer would stand over his grave.

That would leave the option of disinterring Gerald Smith to align with the monument -- a possibility the Di Ionnos would rather not consider.

"Shifting (the monument) over without digging up my grandfather would then have my grandfather and grandmother without any marker," Matthew said.

Elaine Smith also was not willing to consider that possibility, Matthew said.

"She's indicated she is not going to move her husband or the stone," he said.

## FOOTSTONE ALTERNATIVE

If the lot stays the way it is currently, as a singly owned unit of eight plots, the family has an option of placing an upright footstone on Michelangelo Di Iunno's grave, Hotchkiss said.

The footstone could be two feet long, a foot wide and a foot high.

That option, too, the Di Ionnos are wary about, as their proposal of an individual headstone for Michelangelo also was declined on the basis that a headstone and a monument cannot be on the same lot.

"Once you put the monument on the lot, it's considered a monument lot and you can't have headstones," Hotchkiss said. "It's one or the other -- either you have a monument or all headstones."

A footstone in place of a headstone, however, is not what the Di Ionnos are looking for.

"It's not what we want. It's not what would make my mom happy," Matthew said.

## SEEKING ANSWERS

After speaking with other city officials about the matter and still not getting the answers she's looking for, Natalie Di Iunno last week filed complaints with the Ohio Attorney General's office and the Ohio Cemetery Dispute Resolution Commission, which meets in September, she said.

Until then, the family has marked Michelangelo's gravesite with a few flowers, awaiting word on where to turn next.

Not wanting to back down but determined to leave Michelangelo the memorial they say he deserves, the family has no regrets about questioning the rules, Natalie and Matthew said -- they're just hoping for answers from somewhere.

"It's very frustrating," Natalie said. "It's (Matthew's) heart and his father, and he just wants to do him right."

## Additional Facts

### TIPS FROM OHIO CEMETERIES: A CONSUMER GUIDE

- Check to see if the cemetery is registered with the Division of Real Estate and Professional Licensing.
- Ask the cemetery operator for a copy of the cemetery's Rules and Regulations.
- Be sure you understand the cemetery's monument/marker and decoration policies.
- View the grave, crypt or other interment site before you buy.
- Insist that any promise made to you be in writing on the cemetery's stationary and signed by cemetery personnel.
- When you buy a burial plot or grave, you are buying the right to be buried there, not the actual ground.
- Find out if your interment rights or other merchandise and services can be transferred to another person, transferred for use at another cemetery or bought back by the cemetery if you move.
- Be sure that the specific location of your lot, crypt or interment right clearly is identified and unconditionally guaranteed on your contract or purchase agreement.

Source: Ohio Cemetery Dispute Resolution Commission

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