

Rules, Regulations, and any Amendments are in effect as of August 29, 2013

VALLEY VIEW MEMORIAL GARDENS  
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In compiling the Rules and Regulations contained herein, the board of directors of Valley View Memorial Gardens has endeavored to safeguard the interment rights of individual owners while providing guidelines for the total uniformity and beauty of the cemetery. All persons are required to comply with the rules and are requested to report any infractions of them on the part of others.

Valley View Memorial Gardens is sacred ground as it is the final resting place of the mortal remains of those whose memory lives on in our hearts and minds. We trust that every owner of interment rights is genuinely interested in the successful enforcement of these Rules and Regulations. Said rules will not be considered arbitrary, as they are necessary to assure the proper management of the cemetery for generations to come.

No rules or regulations have been or will be made which is not designed to be of benefit to the owners collectively. Experience has shown that the adaptation and enforcement of the rules and regulations are necessary to protect the interest of the owners.

#### DEFINITIONS

"Cemetery" means the burial ground including, without limitation: (a) All land dedicated , reserved or used for internment purposes; (b) all trees, shrubs, plants and planting; (c) all graves, mausoleums , or other internment spaces therein; (d) all memorials and works of art therein;(e) all roads, walkways and other structures of every kind therein; and (t) equipment and facilities incidental to the operation of said cemetery.

"Cemetery Authority" means Valley View Memorial Garden, a company organized and existing under and by virtue of the laws of the State of Alabama and to make and enforce rules and regulations for governing their operations.

"Internment" means the burial or entombment of human remains or cremains.

"Entombment" means the placement of human remains in a crypt.

"Right of Internment" means the right to inter the remains of one human being in the cemetery subject to the rules and regulations in effect from time to time for the governance of the

cemetery.

"Deed" means the document by which the cemetery Authority conveys a right of interment.

"Lot" means two or more adjoining grave spaces or crypts. The lot, piece, or parcel of lot may not be used for any other purpose and may not be divided into smaller portions than originally conveyed.

"Spaces" means a single grave or crypt used or intended to be used for the interment of human remains.

"Crypt" means space in a mausoleum used or intended to be used for the entombment of human remains.

"Lot holder", means the person or persons; (a) to whom the Cemetery Authority has conveyed a right or rights of interment; or (b) who acquired such right or rights by transfer in accordance with these rules and regulations, or (c) who holds such right or rights by inheritance.

"Memorial" means a grave marker identifying a grave or graves or an inscription identifying a crypt.

"Individual Memorial" means memorializing of one individual.

"Companion Memorial" means memorializing two people, usually husband and wife.

"Family Memorial" means memorializing a family name only.

### RIGHT OF LOT HOLDERS

Ownership of a lot, piece, or parcel of lot in Valley View Memorial Garden consists of the right of interment for human remains only. The lot, piece, or parcel may not be used for any other purpose and may not be divided into smaller portions than originally conveyed.

Every deed issued to a lot or space purchaser in the cemetery contains a provision that the Grantee takes title subject to the rules and regulations then in force and which may be made in the future. These regulations are as binding upon the purchaser as though they were incorporated in the deed.

A right of interment is a license or easement right to interment in a specific location. All rights of interment in the cemetery are conveyed and shall be held subject to; (a) All applicable laws and governmental regulations; (b) Documents establishing the cemetery authority; (c) All by-laws and rules and regulations adopted by the Cemetery Authority.

Record owner is the individual (s) named in the Certificate of Ownership issued and of record will be presumed to be the owner(s) of the Right(s) of interment unless the cemetery receives written notice to the contrary, accepted by Cemetery Authority

Form of ownership -- A certificate of Ownership may be issued to an individual, to husband and wife as tenants of the entirety, to several individuals as tenants in common, or as joint tenants.

Vested interment rights -- A vested right of interment is one in which the individual holding it has a superior right to its use which is not defeasible by anyone other than the owner or someone else who has a similar vested right.

The spouse, children and parents of the certificate owner of record of more than one interment right have vested rights.

The spouse of an owner has a vested right to interment in the space superior to any other person even if they become the spouse after the rights were acquired.

No transfer or other action of the owner without the written consent of the spouse of the owner may divest the spouse of a vested right of interment.

A vested right of interment may be released by waiver, terminated upon the interment elsewhere of the remains of the person in whom vested, or in the case of a divorce, unless it is otherwise provided in the divorce decree.

No vested right of interment gives the right to be interred where any deceased person having a prior vested right of interment has been interred, nor does it give the right to have more than one deceased person interred in a single interment space in violation of these rules and regulations.

The exception to this rule would be where a family may inter two cremains on one adult space, but only one upright or Bronze marker may be installed on a single space.

Family areas -- When an interment of the owner or a member of his family has been made in a space, thereafter the lots shall be held as a family lot of the owner and no rights of interment therein may be transferred to non-family members unless such a disposition be made by the owner in a will by specific devise, or by a written declaration filed and recorded prior to his death in the office of the Cemetery Authority.

In a family area, the following shall have preference as to use:

- (1) One right of interment may be used for the Owner's interment.
- (2) One right of interment may be used for the Owner's surviving spouse, if any, who has a vested right of interment in it.
- (3) If any rights of interment are remaining, the parents and children of the deceased owner, in order of death, may be interred without consent of any other person claiming any interest in the rights.

(4) If no parents or child survives, the right of interment goes in order of death to (a) the spouse of any child of the record owner, and in order of death, (b) to the next heirs at law of the owner or the spouse of any heir at law.

Restrictions of transfer -- Upon the receipt of written instructions or a certified copy of the will containing specific devises from the deceased owner of record, the Cemetery Authority shall restrict interment to the persons designated in the authorization or devise.

Absence of designation -- If an owner of record dies without providing a written declaration or a specific devise by will, any unused rights of interment decent to the heirs at law of the owner subject to the rights of interment of the descendant and his or her surviving spouse.

Joint tenants -- Upon the death of a joint tenant, the title to the space or crypt held in joint tenancy immediately vests in the survivors, subject to the vested right of interment of the remains of the deceased joint tenant.

Multiple owners -- When there are multiple owners of rights of interment, they may designate one or more persons to represent their interests by filing written notices with the Cemetery Authority. In the absence of such designation or written notice of objection at the time of interment, the Cemetery Authority may permit interment upon the request or direction of any co-owner without liability.

Affidavit required -- The Cemetery Authority is authorized to permit the use of an unused interment right by a person entitled to its use if it receives an affidavit by a person having knowledge of the fact setting forth:

(1) the fact of the death of the owner and the name of the person or persons entitled to the use of the right of interment; or (2) the fact of the death of one joint tenant, proof of the surviving joint tenants or their successors in interest, names of certificate of ownership and the written directions of the surviving joint tenant or their successors in interest.

Restrictions on assignments -- No transfer or assignment of any right of interment or interest therein shall be valid until accepted in writing by the Cemetery Authority and recorded in the books of the Cemetery Authority.

The Cemetery Authority may also refuse to consent to a transfer or to an assignment as long as there is indebtedness to the Cemetery Authority from the record-owner.

Transfer charges -- The Cemetery Authority may fix a charge for all transfers of ownership. No transfer of ownership may be complete or effective until all charges are paid.

## GROUNDS MAINTENANCE

The Cemetery Authority reserves the exclusive right to do all grading, landscaping, excavating, installing of foundations, walks, and curbs, making of interment, disinterment, entombment, and removals, (including all openings, fillings, and closings of interment spaces with equipment, including but not limited to, its tents, artificial grass and lowering devices), to care for any crypt and to plant all trees and plants of various kind.

Graves shall be dug and refilled only by employees or agents of the Cemetery Authority.

All graves shall be level with grass sown. No border or grave covering of any type will be allowed on or around graves.

There shall be no flower pots or articles of any kind on the graves other than those which will set on the marker or monument, except on designated holidays or unless permission in writing is obtained from the Cemetery Authority.

No scattering of human remains will be permitted within the confines of the cemetery.

## MEMORIALS

**It is required that spaces be paid for in full before a headstone may be installed.**

**All temporary grave markers are allowed to stay for 90 days. After 90 days, the family must put a permanent headstone in its place. The Cemetery Authority has the right to remove the temporary markers without notice.**

All memorials shall be set on uniform lines as prescribed by the Cemetery Authority to conform with the general plan of the cemetery. All installers of monuments must have workmen compensation insurance, and liability insurance for such installation of at least \$ 300,000.00.

The Cemetery Authority reserves the right at all times to prescribe the kind, design, size, symbolism, inscriptions or markers placed in the cemetery.

All memorials are subject to approval by the Cemetery Authority.

Upright monuments shall be allowed only in the areas designated by the Cemetery Authority as being for upright monuments. There shall be a concrete base under all uprights measuring the same size as the base of the monument by six inches thick. No concrete base shall be required under flat markers.

All upright memorials must have a base measuring at least as large as the tablet and made of either marble or granite with a steeled or polish top and sawed or rock pitch sides. The maximum dimensions of this base shall be 36" long by 1'-4" wide and not more than 10" thick

per grave space on which stone is to be set.

(Example: If a memorial is to be set on two grave spaces measuring 7'-6" then the maximum base dimension would be 6'-6" long by 1'-4" wide by 0'-10" high. This is 12" shorter than the two grave spaces measuring 7'-6" , so the adjoining lots next to this one using the same size base would not join each other giving space 12" between the two bases) All upright monuments must be set on poured foundations.

The minimum dimension of any upright headstone base shall be 2'-8" long by 12" wide and not less than 0'-6" high per consecutive grave space except in Veterans section.

All upright memorials tablets shall have either an all rough, polished or steeled finish, or any combination of the two.

In sections designated for flat monuments only, headstones must be made of bronze and/or granite. This base must be 4 inches thick. **Only bronze flower vases may be used in areas designated for flat markers.** It is expressly understood that the purchaser is solely responsible for flower vases broken or damaged by freezing.

The maximum dimensions of the base for flat monuments shall be 1'-8" wide by 0'-4" thick by 6'-6" long for a memorial to be used for two or more spaces, or 3'-0" long for single interment space. All flower vases shall be contained within the granite or bronze of the headstone.

Flat Companion markers for Cremains shall be a minimum of 20' wide and 28' long.

**No corner post or lot marker of any kind shall be allowed except those permanently installed by the Cemetery Authority.**

**Should any memorial become unsightly, dilapidated or a menace to visitors, or not be in compliance with these rules and regulations, the Cemetery Authority shall have the right to either correct the condition or to remove the memorial at the expense of the lot holder.**

No benches or chairs, decorations, or memorial items of any kind shall be permitted to be placed in the cemetery. The only items allowed are flowers in the vases on the monuments. Benches that are already in place, in the upright section (West Section), as of this date, that match the headstone and are made of the same materials as the headstones are allowed to stay. All others must be removed as required by the Cemetery Authority

The Cemetery Authority and their agents have authority to enter upon any interment space or spaces and to remove any objectionable thing or any structure that may have been placed there contrary to the regulations of the cemetery.

#### CONDUCT OF FUNERALS ON THE CEMETERY GROUNDS

All funeral processions when within the cemetery shall be subject to and under the

direction of the Cemetery Authority.

The Cemetery Authority reserves the right to insist upon receiving notice of an interment at least twenty-four (24) hours before the funeral procession is scheduled to arrive at the cemetery, and at least one week's notice of any disinterment or removal of remains.

Funeral are not accepted when arrival time of the procession at the cemetery is prior to 9:00 a.m. or after 4:00 p.m. unless on weekend, or prior arrangements with cemetery.

The Cemetery Authority shall be in no way liable for any delay in the interment where it's Rules and Regulations have not been complied with, and it reserves the right, under such circumstances, to place the remains in a receiving vault at the expense of the person making the interment until the proper time for completing the service.

When the person directing the funeral, whether a funeral director or acting in some other capacity, brings the remains into the cemetery, the Cemetery Authority shall have the absolute right to assume that the remains are those of the person described in the interment permit, and the Cemetery Authority shall not be liable for any difference in identity between the person whose remains are to be interred and the person named in the permit.

Prior authorization by a proper relative of the deceased is required for interment, entombment, inurnment, or disinterment or disentombment, and such authorization shall be given in writing on the approved form to the Cemetery Authority prior to its performance. All interments, entombments, inurnments, or disinterment or disentombments shall be performed either prior to or subsequent to the funeral ceremony.

The Cemetery Authority does not assume any warranty that may be expressed or implied by the sellers, agent, or manufacturer of caskets, vaults, or memorials or other items that are purchased and used at the cemetery.

The Cemetery Authority will endeavor to handle and protect any products or merchandise incidental to the use of the interment rights with all reasonable precautions and care that the purchaser may direct.

All interments must be below ground in a concrete, plastic, or steel outer burial container that has been designed and constructed specifically for the purpose of the burial of human remains.

The Cemetery Authority reserves the right to approve and / or restrict any ceremonial acts that it determines may be embarrassing to the Cemetery Authority or to the cemetery, a public nuisance, or which otherwise constitutes undignified demeanor in the judgment of the Cemetery Authority.

Containers of human remains will not be opened within the cemetery, after the funeral ceremony, without the presence of a representative of the Cemetery Authority, written permission of the proper relatives of the deceased, presence of the director, or a duly authorized

court directive.

The cemetery Authority reserves, and shall have, the right to correct any errors that may be made in placing memorials, or in performing any other operation; or that may be made by it in the description, transfer or conveyance of any interment right property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location, or in the sole discretion of the Cemetery Authority by refunding the purchase price. In the event the error shall involve the interment of the remains of any person in such property, the Cemetery Authority reserves, and shall have, the right to remove and re-inter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu thereof

The Cemetery Authority distinctly disclaims all responsibility for loss or damage of any nature, from causes beyond the reasonable control, and especially from damage caused by the elements, and act of God, common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrection, riots, or order of any military or civil authority, whether the damage be direct or collateral.

#### MODIFICATION AND AMENDMENTS

The Cemetery Authority may, and it hereby expressly reserves the right, at any time, without notice to Owners, to adopt new rules and regulations, or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these rules and regulations.

The Cemetery Authority therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same may appear advisable ; and such shall in no way be construed as affecting the general application of the Rules and Regulations.

Any requests for exceptions must be submitted to the Cemetery Authority in writing. The Cemetery Authority has the right to accept or reject any requests made.

The benches that are already in place, in the upright section only, that do not meet the specifications described herein, are to either A: be removed and not brought back, or B: a bench that meets the specifications contained herein may be put in its place. The owner has six months from the date of these bylaws to comply. If this is not done by February 29, 2014 (6 months), the bench must be removed permanently.

By signing this document, you agree to abide by the By Laws of Valley View Memorial Gardens.

Signature of Interment Rights owner \_\_\_\_\_

Date Signed \_\_\_\_\_