

**RULES AND REGULATIONS
OF
ELM GROVE BAPTIST CHURCH, INC.
FOR**



ADOPTED AUGUST 10, 2016

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OF
ELM GROVE BAPTIST CHURCH, INC.
FOR
ELM GROVE CEMETERY
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The Elm Grove Cemetery (the "Cemetery") is owned and operated by the Elm Grove Baptist Church, Inc. (the "Corporation"). The Cemetery Committee of Elm Grove Baptist Church is in charge of the cemetery. These Rules and Regulations have been approved and recommended by the Cemetery Committee and have been adopted by the Board of Trustees and Members of the Corporation.

**SECTION 1
DEFINITIONS**

The following definitions shall define the respective terms as used in these Rules and Regulations.

- 1.1. The term "Family" shall mean the spouse, parents, grandparents, children, grandchildren, brothers, sisters, nephews and nieces of the owner of a lot in the Cemetery; the parents and grandparents, of the spouse of the owner; the spouses of the children of the owner; and no other person(s).
- 1.2. The term "Owner" shall be the listed Owner of a lot as recorded in the records of the lot Owners of the Cemetery.
- 1.3. The term "Funeral Home" shall include funeral homes, morticians and undertakers.
- 1.4. The term "Cemetery Administrator" shall mean the person appointed by the Cemetery Committee to be in charge of the administration of the Cemetery.
- 1.5. The term "Cemetery Committee" shall be the committee appointed by the Board of Trustees of the Corporation and approved by the Members of the Corporation to oversee the Cemetery.
- 1.6. The term "Effective Date" shall mean the date the Rules and Regulations were adopted by the Cemetery Committee and approved by the Corporation's Board of Trustees and Members.
- 1.7. The term "Members" shall mean members listed on the church rolls, whether active or inactive, and any regular attendees of church services.
- 1.8. The term "Headstone" shall mean the underground foundation, the base, and the above ground headstone monument.
- 1.9. The term "Maintenance Supervisor" shall mean the person appointed by the Cemetery Committee to be in charge of the maintenance of the Cemetery.
- 1.10. The term "Monument Installer" shall be the company and/or person who installs any grave marker on behalf of a Family.

- 1.11. The term “Grave Digger” shall mean the person or company who is engaged or employed by the Funeral Home to dig the grave and to cover the grave.
- 1.12. The term “Decorations” shall mean live flowers, artificial flowers and American flags.
- 1.13. The term “Memorabilia” shall mean small items of remembrance, mementos, or anything that is not a Decoration as defined herein

SECTION 2 LOT OWNERSHIP

- 2.1. Lot ownership shall be determined by the records of lot ownership maintained by the Cemetery.
- 2.2. Any dispute as to the Owner of a lot shall first be referred to the Cemetery Administrator. An appeal from the decision of the Cemetery Administrator may be filed within thirty (30) days of the determination of the lot Owner by the Cemetery Administrator to the Cemetery Committee.
- 2.3. The decision of the Cemetery Administrator shall be the final determination of a lot Owner unless an appeal is made within thirty (30) days to the Cemetery Committee. The decisions of the Cemetery Committee shall be final as to the Owner of a lot.
- 2.4. It shall be the responsibility of a person claiming to own a lot in the Cemetery to provide adequate and sufficient proof of ownership to the Cemetery Administrator and any decision as to the sufficiency of the proof of ownership shall be in the sole discretion of the Cemetery Administrator.
- 2.5. Lots may be transferred from one lot Owner to another by written assignment that is signed and notarized and provides the name, address, phone number and email address of the new lot Owner. A lot may be transferred upon the death of a lot Owner by an assignment executed by the executor or administrator of his or her estate that is properly notarized and includes the name, address, phone number and email address of the new lot Owner.
- 2.6. Lots may be donated back to the Cemetery provided an assignment of the ownership of the lot is completed by the lot Owner or his or her Family in compliance with the requirements set forth in Section 2.5 hereof.
- 2.7. Lots shall not be divided.

SECTION 3 LOT PURCHASES

- 3.1. Lots in the Cemetery may be purchased by Members of the Elm Grove Baptist Church for the price of \$400.00 each. For purposes of lot purchases, Members of the Elm Grove Baptist Church shall be as defined in the definitions hereof.

3.2. Lots in the Cemetery may be purchased by non-members of the Elm Grove Baptist Church for the price of \$600.00 each provided there are available lots designated for non-members.

3.3. Specific lots may be reserved for purchase for a period of thirty (30) days. At the expiration of thirty (30) days if a reserved lot is not purchased it will return to the lot inventory for the Cemetery and may be sold to any purchaser.

SECTION 4 BURIAL

4.1. It shall be the sole responsibility of the Funeral Home and the Family of the deceased to make sure that the deceased is buried in the proper lot and in compliance with these Rules and Regulations and to take all necessary action to correct any and all violations as determined in the sole and absolute discretion of the Cemetery Administrator and/or the Maintenance Supervisor.

4.2. Vaults are required for all burials. Any Family and/or Funeral Home that buries a casket that is not in a vault shall be required to dig up the casket, rebury it in a vault, and shall be liable to the Corporation for any damages sustained from the violation of this Regulation.

4.3. It shall be the sole responsibility of the Funeral Home for a burial in a lot that is not owned by the deceased or the deceased's Family to include removal of the body and/or to purchase the lot used for the burial.

4.4. No burial of a body shall be made if the body has not been embalmed.

4.5. A service fee of \$75.00 shall be collected by the Funeral Home and submitted to the Cemetery Administrator for the burial of a body in the Cemetery.

4.6. The Funeral Home shall be responsible for all acts and/or omissions of any independent contractors employed to dig and/or cover the grave sites to include indemnifications for any damages sustained by the Cemetery or the Corporation for the acts and/or omissions of said independent contractors.

4.7. The Funeral Home and the Grave Digger engaged by the Funeral Home shall cooperate with the Maintenance Supervisor to insure the preparation of the grave, the placement of dirt removed from the grave site, and the removal of any excess dirt from the grave site so as to prevent any maintenance problems and to enhance the beauty and integrity of the Cemetery.

4.8. Each Funeral Home shall execute an agreement with the Corporation and Cemetery wherein it agrees to abide by the terms and conditions of these Rules and Regulations to qualify to bury persons in the Cemetery.

4.9. The Funeral Home shall deliver a copy of the Rules and Regulations to the Family of the deceased and shall obtain the signature of the family members who will be responsible for the

compliance with the Rules and Regulations on a copy of the Rules and Regulations and deliver same to the Cemetery Administrator prior to the burial.

4.10. The Funeral Home shall have the immediate family members of the deceased to fill out a contact information form to be supplied by the Cemetery Administrator and shall return the completed form to the Cemetery Administrator within ten (10) days of burial.

SECTION 5 GRAVE MARKERS

5.1. Headstones and/or other grave markers shall only be of granite, marble, or bronze, with the exception of standard government markers. No substandard grade of monument shall be allowed, except pursuant to the provisions of Section 5.2 hereof.

5.2. An exception to the requirements of Section 5.1 and 5.5 hereof may be granted by the Cemetery Administrator acting in concert with the Maintenance Supervisor, provided it is approved before installation. An application for an exception shall be submitted in writing which shall contain the specifications of the marker to include a photograph. The decision of the Cemetery Administrator shall be final and shall be in the sole and absolute discretion of the Cemetery Administrator.

5.3. Grave Markers located at the foot of the grave or on the side of the grave shall be installed at ground level so as to not interfere with the mowing and other maintenance of the grave site. Only Headstones shall be allowed above ground level.

5.4. Headstones shall be installed at all grave sites within one year of burial.

5.5. Headstones shall be erected on a below ground foundation of concrete, with a base above ground, and the Headstone erected on the base. All Headstones shall be aligned in a row to aid in the maintenance of the Cemetery. An exception to provisions of this Section may be granted pursuant to the terms of Section 5.2 hereof.

5.6. The Maintenance Supervisor shall have the authority to require and ensure that all grave markers are erected pursuant to these Rules and Regulations. The decision of the Maintenance Supervisor shall be final in his or her absolute and sole discretion.

5.7. Prior to the erection of a grave marker in the Cemetery, the Monument Installer shall execute an Agreement with the Corporation and Cemetery Committee wherein it is agreed that any grave marker will be installed in compliance with these Rules and Regulations, that the Monument Installer shall warrant the installation for a period of two years from the date of installation, that any repairs that are needed in the two year warranty period shall be at the sole expense of the Monument Installer and that the Monument Installer will indemnify and hold the Corporation and Cemetery Committee harmless for any claims arising out of the installation of a grave marker during the warranty period.

5.8. The Monument Installer shall be responsible for any and all damages to the Cemetery in the installation of any grave marker to include the installation of any grave marker at the proper grave site.

5.9. Upon request and at their convenience, the Cemetery Administrator and/or Maintenance Supervisor will supervise the installation of any grave marker provided a service fee of \$75.00 is paid in advance to the Cemetery.

5.10. The Family of the deceased shall be responsible for all acts or omissions of the Monument Installer in the installation of grave markers and for any violation of these Rules and Regulations by the Monument Installer.

5.11. All grave markers shall be maintained by the Family of the occupant of the grave. Any costs incurred by the Cemetery in maintenance of a grave marker may be charged to the Family of the person for whom the grave marker is installed.

SECTION 6 PERMANENT PLANTINGS, FLORAL ARRANGEMENTS AND MEMORABILIA

6.1. No trees or other living flora may be planted in the Cemetery after the Effective Date of these Rules and Regulations. Any living trees or flora now existing prior to the Effective Date are exempt from the provisions of this Section so long as they are alive or until such time as it is determined by the Cemetery Administrator and/or Maintenance Supervisor with approval of the Cemetery Committee to be unsightly or dangerous at which time they will be removed. An effort will be made to contact the Family prior to the removal of permanent plantings but the failure to give notice shall not be a prerequisite to the removal.

6.2. Decorations shall be allowed only to the extent they do not inhibit mowing or other maintenance activities or they do not degrade the overall appearance and integrity of the Cemetery. Any decision that the Decorations inhibit mowing, maintenance or the degrading of the overall appearance or integrity of the Cemetery made by the Cemetery Administrator and/or the Maintenance Supervisor shall be final and in their sole and absolute discretion.

6.3. Decorations may be placed on the Headstones so long as they do not contribute to problems with maintenance and do not detract from the beauty of the Cemetery as determined in the sole and absolute discretion of the Maintenance Supervisor.

6.4. All Decorations located at the base of the Headstone or around the Headstone or on any part of the grave site shall be removed prior to March 15th of each year following the placement of the Decorations. No Decorations shall be placed on the ground around the Headstone during the period from March 15th through the end of October of each year, except as permitted pursuant to the terms of Section 6.5 hereof.

6.5. Decorations are permitted for special periods commencing seven days prior to Mother's Day, Father's Day and Memorial Day of each year and shall be removed within ten (10) days following each of the respective days. Any Decorations remaining ten (10) days after the special period may be removed.

6.6. Only Decorations shall be placed on the Headstone or any other place on the grave site.

6.7 No Memorabilia or fixtures, including but not limited to solar lights, shall be permitted.

6.8. The Cemetery and the Corporation assume no responsibility for missing vases, flowers, or other Decorations placed on or around the gravesite.

6.9.. The Cemetery Committee reserves the right to remove any Decorations that are determined to be in violation of these Rules and Regulations, that cause maintenance issues, or that distract from the beauty and integrity of the Cemetery.

6.10. Flowers placed upon a grave site as a part of the funeral and burial may be removed after two (2) weeks at the sole and absolute discretion of the Maintenance Supervisor. No notice of the removal will be given to the Family.

6.11. Any person who continues to violate the Rules and Regulations in regard to the provisions of Section 6 hereof may be charged a fee for the removal of any Decorations that are placed in the Cemetery in violation of said Rules and Regulations.

SECTION 7 CEMETERY ADMINISTRATOR

7.1. The Cemetery Administrator shall be the primary contact person for the Corporation and the Cemetery Committee in regard to all matters regarding the administration of the Cemetery.

7.2. The Cemetery Administrator may appoint an assistant subject to the approval of the Cemetery Committee. If the Cemetery Assistant is to be paid for services, the approval of the Corporation's Trustees and Members will be required.

7.3. The responsibilities of the Cemetery Administrator are:

- (a) to maintain the records for all grave sites of the Cemetery.
- (b) to sell future lots and to execute assignments for lot transfers,
- (c) to meet with Funeral Homes to review the marking of grave sites.
- (d) to create and maintain a computer software program to manage the cemetery lots.

(e) to assist the Maintenance Supervisor in contacting Families, Funeral Homes, and Monument Installers in regard to maintenance issues created by the Families, Funeral Homes, or Monument Installers.

(f) to insure the overall compliance with the Rules and Regulations of the Cemetery as it relates to the administration of the Cemetery.

(g) to carry out any directives of the Cemetery Committee.

SECTION 8 MAINTENANCE SUPERVISOR

8.1. The Maintenance Supervisor shall be the primary contact person for the Corporation and the cemetery Committee in regard to all matters regarding the maintenance of the Cemetery.

8.2. In the event the Maintenance Supervisor is not engaged to maintain the Cemetery for which he is compensated, a fee for services shall be determined by the Cemetery Committee to be approved by the Corporation's Board of Trustees and Members.

8.3. The responsibilities of the Maintenance Supervisor:

(a) to oversee the overall maintenance of the Cemetery.

(b) to supervise and monitor the burials in the Cemetery.

(c) to supervise and monitor the installation of grave markers.

(d) to insure the overall compliance with the Rules and Regulations of the Cemetery as it relates to the maintenance of the Cemetery.

(e) to carry out any directives from the Cemetery Committee.

SECTION 9 MISCELLANEOUS

9.1. The Families, Funeral Homes, Grave Diggers, and/or Monument Installers that undertake any activities in the Cemetery after the adoption of these Rules and Regulations, shall be subject to the terms and conditions hereof.

9.2. All Families, Funeral Homes, Grave Diggers, and/or Monument Installers shall be required to acknowledge the receipt of a copy of these Rules and Regulations and shall agree to be bound by the terms and conditions thereof.

9.3. Any action taken against a Family, Funeral Home, Grave Digger, and/or Monument Installer for a violation of these Rules and Regulations shall be brought in the District or Circuit Court of Calloway County.

9.4. Any Family, Funeral Home, Grave Digger, and/or Monument Installer that undertakes any activities in the Cemetery after the adoption of these Rules and Regulations hereby submits to the venue of the Calloway District and/or the Calloway Circuit Court.

9.5. In the event legal action is taken for a violation of these Rules and Regulations by the Corporation and/or Cemetery Committee, any costs, expenses, and attorney fees shall be paid by the party who is in violation.

9.6. After the adoption of these Rules and Regulation, there shall be a Grace period of six (6) months for any Family and/or Funeral Home to correct any existing violation occurring before the date of adoption.

9.7. Copies of these Rules and Regulation shall be distributed to each Funeral Home servicing our area and a copy shall be made available to any Funeral Home outside of our area who desires to bury a body in the Cemetery.

9.8. A copy of the Rules and Regulations shall be posted at a conspicuous location or locations in the Cemetery.

9.9. These Rules and Regulations may be amended upon recommendation of the Cemetery Committee to the Corporation's Board of Trustees and approval of the Corporation's Board of Trustees and Members.

9.10. The invalidity or unenforceability, whether in general or in any particular circumstance, of any provision of these Rules and Regulations, shall not affect the validity or enforceability in any other circumstance, or any other provision hereof.

9.11. The law of the Commonwealth of Kentucky shall govern the terms and conditions of these Rules and Regulations.

9.12. The Cemetery Committee reserves the right to remove anything from a Headstone or grave site that is in violation of these Rules and Regulations or violates the integrity of the Cemetery in the sole and absolute discretion of the Cemetery Committee.

9.13. Any Funeral Home, Grave Digger, Monument Installer, Family Member or any other person or entity that buries a person, digs a grave, installs a monument in the Cemetery, and/or places Decorations on grave sites shall comply with the Rules and Regulations of the Cemetery and shall reimburse the Cemetery for any damages arising out of their acts to include acts of omission.

These Rules and Regulations of the Elm Grove Cemetery were adopted by the Cemetery Committee on the 6th day of July 2016, by the Trustees of Elm Grove Baptist Church, Inc. on the 14th day of July 2016, and by the Members of Elm Grove Baptist Church, Inc. at its annual meeting on the 10th day of August 2016.