

MT. CALVARY CATHOLIC CEMETERY ASSOCIATION, INC.

RULES AND REGULATIONS

FOREWORD

It is the desire of Mt. Calvary Catholic Cemetery Association, Inc. to make Mt. Calvary Catholic Cemetery a quiet, beautiful place for the deceased. Anything which would mar the general beauty and harmony of the cemetery must be avoided. To this end the following rules and regulation have been adopted.

RULES AND REGULATIONS

These Rules and Regulations are hereby adopted by the Board of Directors of the Mt. Calvary Catholic Cemetery Association, Inc. All burial lot owners, cremation niche owners, and visitors shall be subject to these rules and regulations, amendments, or alterations. Reference to these rules and regulations in the deed to burial lots and cremation niches shall have the same force and effect as set forth in full therein.

In accordance with Oregon law, all purchasers are advised that when the cemetery makes a conveyance or sale of a lot, or grants a right of interment, it conveys only a burial easement on the cemetery property.

ARTICLE 1
DEFINITIONS

- 1.1 Cemetery: The term "Cemetery" is hereby defined as Mt. Calvary Catholic Cemetery.
- 1.2 Cemetery Office: The term "Cemetery Office" is hereby defined as Mt. Calvary Catholic Cemetery Association, Inc.
- 1.3 Owner: The term "Owner" is hereby defined as the owner of the right of interment.
- 1.4 Interment: The term "Interment" is hereby defined as burial or placement in a Niche of the remains of a deceased person.
- 1.5 Memorial: The term "memorial" shall include a monument, marker, tablet, headstone, planter, bench, or niche nameplate for the purpose of identification or in memory of the interred.
- 1.6 Contractor: The term Contractor hereby refers to any person, firm, corporation, engaged in placing, erecting or repairing any memorial or performing any work on the cemetery grounds other than an employee of the cemetery.
- 1.7 Lot: The term "Lot" is hereby defined as a burial lot used for no other purpose than the burial of human remains.

- 1.8 Niche: The term “Niche” is hereby defined as a cremation niche used for no other purpose than the placement of cremated human remains.

ARTICLE 2 GENERAL RULES

- 2.1 The cemetery grounds are opened 24 hours a day, 7 days a week. The cemetery business office will be open by appointment only.
- 2.2 Employees of the cemetery are not permitted to do any work for lot owners except upon order of the Cemetery Manager.
- 2.3 All fees or charges for services are payable at the cemetery office as herein stated and patrons of the cemetery are requested not to pay any fee or gratuity to any cemetery employee.
- 2.4 Persons within the cemetery shall use only the avenues, and roads as necessary to do so to gain access to a lot or niche. The cemetery office expressly disclaims liability for any injuries sustained while on cemetery grounds.
- 2.5 Persons visiting the cemetery or attending funerals are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, or other structure within the cemetery grounds.
- 2.6 Motor cars and vehicles must be kept under complete control at all times. When meeting a funeral procession they must stop until the procession passes. They must not pass a funeral procession going the same direction. Motor cars must not be left with the engine running and the emergency brakes must be set when the driver is not in his seat mufflers must not be opened nor the horn sounded within the cemetery.
- 2.7 Drivers of motor cars or vehicles hired to attend a funeral must remain quietly in their seats during the funeral services.
- 2.8 The following things are prohibited:
- i. The driving of motor cars or other vehicles through the gates or in the cemetery should not exceed 5 MPH.
 - ii. Driving any motor car, vehicles or farm animal across or upon any lot or lawn or parking area or leaving the same thereon.
 - iii. Parking or leaving any motor car or vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same, and if so parked or left the cemetery office reserves the right to remove the same.

- iv. Making a complete or partial reverse turn of any motor car or vehicle on any road or driveway within the cemetery.
- 2.9 No bicycles or motorcycles will be admitted to the cemetery except such as may be in attendance at funerals or on business.
- 2.10 Children under fifteen years of age are not permitted within the cemetery or its buildings, unless accompanied by an adult.
- 2.11 Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or any part of the grounds, or in the buildings is prohibited.
- 2.12 The placing of boxes, toys, metal designs, ornaments, chairs, settees, and similar articles, upon lots will not be permitted and if so placed, the cemetery office reserves the right to remove them.
- 2.13 It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place.
 - i. Loud or boisterous talking.
 - ii. Loitering on the grounds or in any of the buildings.
 - iii. Bringing refreshments into the cemetery or consuming them on the cemetery grounds.
 - iv. Soliciting of any commodity within the cemetery.
 - v. Placing of signs, notices or advertisements of any kind within the cemetery.
 - vi. Bringing pets into the cemetery or any buildings.
 - vii. Bringing firearms into the cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.

ARTICLE 3
LOT AND NICHE OWNERS

- 3.1 Persons desiring to purchase a lot or niche should make arrangements with the Cemetery Manager who will aid them in making a selection. Payments on same shall be made to the cemetery office mailing address.
- 3.2 Right of burial is obtained by the purchase of the deed, which entitles the purchaser to the perpetual use of the lot or niche for the purpose of interment only, subject to the Rules and Regulations of the cemetery.

- 3.3 Title to all Cemetery land remains in the cemetery office. In case of failure to pay notes given as part purchase price of lots or niches, the cemetery office reserves the right to remove interments made therein; to cancel the right to use the said lot or niche by the person in default and to resell such lot or niche.
- 3.4 Lots and niches, when conveyed to individual proprietors, shall be indivisible, but may be held and owned in undivided shares. Deeds of ownership do not confer a right to sell, transfer or assign the same or to sell, assign or transfer any portion of the lot or niche covered by said deed. A deed to the lot or niche will be issued when paid in full.
- 3.5 Applications for the privilege to inter in a lot or niche, persons other than the holders of deeds, must be made through the Cemetery Manager and permission for such privilege must be approved by the Cemetery Manager. Permission for the interment of anyone, not a relative of the owner of the deed of a lot or niche, must be obtained from the Cemetery Manager.
- 3.6 Upon the death of the owner of a deed, the right to such deed passes to the next-of-kin of such owner.
- 3.7 No lot or niche owner shall receive compensation for an interment in his lot or niche.
- 3.8 Descriptions of lots and niches will be in accordance with the Cemetery records kept on file in the cemetery office.
- 3.9 The right to enlarge, reduce, replace or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, or walks, or any part thereof is hereby reserved.
- 3.10 The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, etc. is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners for cemetery purpose, including interment of the dead, or for anything necessary, incidental or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.
- 3.11 No balloons, or objects of any kind are to be affixed to monuments. No symbols, characters, verse, saying, poetry, nicknames, or design (such as animals) not considered conducive to the image of a Catholic Cemetery will be allowed. No decorations are to be hung from the trees or shrubs planted by the cemetery.
- 3.12 The cemetery will take all reasonable precautions to protect lot and niche owners, and their property rights, within the cemetery from loss or damage; but the

cemetery disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

- 3.13 It is the duty of the lot or niche owner to notify the cemetery office of any change in their mailing address.
- 3.14 A deed will be issued for the purchase price of the lot or niche when same has been paid in full. The deed number will be kept on file in the cemetery office. Management reserves the right to charge a small fee for any request for a copy of the original deed.
- 3.15 The instrument of conveyance of these rules and regulations and any amendments thereto constitutes the sole agreement between the cemetery and the lot owner.
- 3.16 The statement of any employee or agent, unless confirmed in writing by the management shall in no way bind the cemetery.

ARTICLE 4 CORRECTION OF ERRORS

- 4.1 The cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterment's or removals, or in the description, transfer or conveyance and substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or as may be selected by the cemetery, or, in the sole discretion of the cemetery, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the cemetery reserves and shall have the right to remove and transfer such remains so interred to such other property of equal and similar location as may be substituted and conveyed in lieu thereof.

ARTICLE 5 INTERMENTS AND ENTOMBMENTS

- 5.1 The Cemetery will open for interments daily with the exception of all Sundays, Memorial Day, July 4th, Thanksgiving Day, Christmas, and New Years. When Memorial Day or July 4th fall on Saturday or Monday and delay will cause unreasonable hardship or inconvenience, interments may be made on such days but an additional fee will be added to the regular charge. Remains must arrive at the cemetery no later than 3:00 PM.

- 5.2 Where immediate burial is required by the Laws of the State of Oregon or under the rules and regulations of the Board of Health, interments may be made on Sundays and holidays but an additional fee will be added to the regular interment charge.
- 5.3 All funerals on entering the cemetery will be under the charge of the Cemetery Manager.
- 5.4 Once a casket containing a body is within the confines of the cemetery, no funeral director, assistant, employee, or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.
- 5.5 Funeral directors, upon arrival at the cemetery, must present the necessary burial permit from the local health office as well as all required payments.
- 5.6 Lot owners shall not allow interments in their lots in return for remuneration of any kind.
- 5.7 No more than one full body and one cremated remains shall be placed in the same lot. Up to two cremated remains shall be allowed in a single lot that has no previous full-body burial in place.
- 5.8 The Cemetery Manager and the employees of the cemetery are the only persons who will be permitted to open graves with the following exceptions:
 - i. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the cemetery office.
 - ii. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the cemetery office his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the coroner or his lawful agents.
- 5.9 Liners for full body burials must be purchased from the cemetery, unless prior approval has been secured from the cemetery office. If metal or reinforced concrete vaults are being used, the lot owner is responsible for securing a contractor to lower the vault.
- 5.10 All charges for interment or services in connection there-with, shall be paid to the cemetery office who will issue a receipt therefore upon request
- 5.11 Arrangements for the payment of any and all indebtedness due to the cemetery office must be made before interment will be made.
- 5.12 The right is reserved by the cemetery office to insist upon at least forty-eight hours notice prior to any interment and at least one week's notice prior to any

disinterment or removal. The cemetery office may refuse to make an interment until a more expedient time if the remains arrive at the cemetery entrance after 3:00 pm or too many funerals arrive at the same hour.

- 5.13 All interments, disinterment, and removals must be made at the time, and in the manner, and upon the charges fixed by the Cemetery Manager.
- 5.14 Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.
- 5.15 The cemetery will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a lot, where interment is desired.
- 5.16 The cemetery will not be liable for the interment permit nor the identity of the person sought to be interred.
- 5.17 Interments of bodies of persons not related to a lot owner will not be allowed without the consent in writing of the owner and filed with the cemetery office.

ARTICLE 6 DISINTERMENT

- 6.1 Application for disinterment of a body shall be made at the cemetery office. Permission must be based upon application of the husband or wife, child or children or next-of-kin of the deceased person.
- 6.2 The body of a person who died from a contagious disease shall not be allowed to be disinterred before the expiration of five years from the date of burial.
- 6.3 In case of disinterment the casket will not be opened for the purpose of viewing remains.
- 6.4 Permits must be obtained for the purpose of removal from Mt. Calvary Catholic Cemetery Association, Inc. to another Cemetery.
- 6.5 Appointments for date of removals will be made by the Cemetery Manager of the cemetery.
- 6.6 No services of any kind are permitted on the cemetery grounds at the time of disinterment either from the cemetery or from place to place within the cemetery.
- 6.7 All disinterments are charged according to the difficulties involved in the removal. Payment should be made prior to the completion of the disinterment.

- 6.8 The cemetery shall exercise due care in making any disinterment, however the cemetery will not assume any liability for damage to any casket or burial case incurred in making the disinterment.

ARTICLE 7 MONUMENTS

- 7.1 The purchase of memorials must be done through the Cemetery Manager. No memorial will be accepted from any source unless both the owner and supplier of the memorial have obtained clearance from the Cemetery Manager.
- 7.2 The cemetery requires that all memorials to be made of bronze or granite, and that dimensions must conform to those specified by the Cemetery Manager. No memorial will be accepted which does not conform to the specification.
- 7.3 All memorials must have no more than a four (4) inch concrete border around the memorial.
- 7.4 No enclosures of any kind, such as a fence, coping, hedge, or ditch shall be permitted around or on any grave or lot established in or by the cemetery.
- 7.5 Certain cemetery sections may have restrictions on type or size of monument that can be used. It is the lot owner's responsibility to check with the Cemetery Manager for any restrictions pertaining to their individual lot before purchasing the monument.
- 7.6 The cemetery office reserves the right to prohibit the erection of any monument or marker considered by the Board of Directors as inappropriate either in material, workmanship, or location or which might interfere with the general effect or obstruct any principal view of the cemetery.
- 7.7 All monuments are the property of the individual purchaser. The cemetery is not responsible for the upkeep of any monument. All expenses incurred to keep a monument from becoming unsightly through weather, vandalism, general deterioration or any other cause is the full responsibility of the owner. The cemetery will only act when monument becomes a danger to persons or property within the cemetery.
- 7.8 **RIGHT TO REMOVE:** Should any monument become unsightly, dilapidated, or a safety hazard to visitors, the cemetery shall have the right at the expense of the lot owner to correct the condition or to remove the same.
- 7.9 No monument will be placed upon a lot until the lot is fully paid and a Deed issued. Only one monument, which must be of proper design, material and workmanship, shall be erected on lots where permitted and oversized monuments shall be placed under the direction of the Cemetery Manager. The only exception to the one monument rule applies to those cases where a Veterans monument is provided. Monuments must be placed in the center of the lot exceptions to this

- rule are made only where a lot is irregular in shape or where a tree may occupy the center.
- 7.10 Lot owners who contemplate the erection of any monument or marker should first ascertain from the cemetery office whether same will be allowed before they close a contract for the erection of either. Monument privilege varies in different sections and on different sized lots. It is very important to check with the cemetery office regarding what type and size monument is allowed. This will avoid mistakes and possible disappointments.
- 7.11 The cemetery may reject any plan or design of a proposed marker which shall be determined to be undesirable or unsuited to the general appearance of the surrounding lots or graves. Any subsequent placement made without prior approval deemed to be in violation of this article shall be removed without notice.
- 7.12 No pictures or photographs may be affixed on monuments. No symbol, character, verse, saying, poetry or design (such as animals) not considered conducive to the image of a Catholic cemetery will be allowed. No raised letters allowed on markers flush with the ground.
- 7.13 Dealers are required to furnish for approval a sketch of proposed monument, specifying size, inscription, design and size of the foundation required. Before ordering monumental work, it is advisable to become informed of the particular regulation governing its section on which it is proposed to erect monument or markers.
- 7.14 All foundations for monuments and markers will be constructed by the monument dealer. The cemetery will not be responsible for any fault resulting from improper installation of a foundation. The lot owner will be responsible for any correction requirements.
- 7.15 Marble or granite base (resting on concrete) shall be cut level so as to insure a solid bearing. All bases are to have a minimum of 6 inch thickness. No rough bottom headstones, they must be smooth.
- 7.16 The monument contractors shall furnish and place all necessary wedging and set all marble and granite in a manner known to monument workers to produce a first-class job in every way. All joints must be sealed against moisture with non-staining materials.
- 7.17 Obstructions caused by any monument dealer or erection contractor to avenues, roads and walks must be made as slight as possible and no unnecessary delay in removing such obstruction will be permitted after the work has been completed. When monument work has been completed, the lot and surrounding area must be restored to the same condition as before work was commenced, such restoration to be at the expense of the dealer.

- 7.18 Guy ropes must not be fastened to post, fences or monuments. A special permit to fasten to trees must be obtained from the Cemetery Manager, and trees must be properly padded for their protection.
- 7.19 No work will be allowed in any section or lot when the ground is wet, soft or covered with snow. No monumental work shall be delivered to the cemetery until foundation for the same is completed by the dealer. No monument may be brought into the cemetery on Sundays unless permission granted by the Cemetery Manager.
- 7.20 Monument dealers or manufacturer's cards or advertisements of any kind shall not be cut or placed on any monument, nor anywhere within the cemetery grounds. Soliciting within the cemetery by monument dealers or agents is strictly forbidden.
- 7.21 Monument contractors must carry Public Liability and Property Damage Policy which will protect the cemetery against any accident or damage caused by such contractor or his employees while performing work in the cemetery.
- 7.22 The cemetery office reserves the right to exclude from the cemetery any dealer or agent in monuments, who does not observe strictly the rules and regulations of said cemetery.
- 7.23 All persons are forbidden to sit upon monuments or headstones whether upon their lot or the lot of others.
- 7.24 Temporary markers provided by funeral homes may be placed on a grave for a period of 90 days.
- 7.25 The Cemetery Manager reserves the privilege to stop all construction and setting of monument between November 10th and April 1st Any work set during these months will be allowed only by special arrangements with the Cemetery Manager.

ARTICLE 8 CARE OF LOTS

- 8.1 The general care of the cemetery is assumed by the cemetery office and includes the cutting of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees of those placed by the cemetery.
- 8.2 The general care assumed by the cemetery shall in no case mean the maintenance, repair or replacement of any memorial erected upon lots nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction of any marble or granite work on any section of lot, or any portion thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents,

invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

- 8.3 The grade of lots will be determined by the cemetery office. No alterations in grades will be permitted by lot owners.
- 8.4 No fences, hedges, posts or enclosures of any kind will be allowed on lots. No shrubs or bushes are to be placed on top of graves. No raised mounds are permitted. No privately provided benches or seats are allowed. No wooden or wire trellis are permitted on lots. No balloons. No decorations hanging from trees or shrubs. No decorative stones or bark placed around markers or monuments. No planting will be allowed. No glass containers.
- 8.5 Fresh-cut flowers, artificial flowers, other floral arrangements or plants, or any other ornaments or decorations will be removed and disposed of if they are determined to be hazardous or unsightly. The cemetery office shall not be responsible for any kinds of floral bouquets damaged by the elements, vandals, thieves or by other causes beyond its control.
- 8.6 Breakable containers such as glass, ceramic, clay and other breakable containers will not be allowed at any time. Plastic containers that become brittle and breakable will be removed by the cemetery.
- 8.7 All flower arrangements must be placed in the flower vases provided within a monument form. Jars, other vases, tin cans, toys, statues, pots, windmills, balloons and similar items are not allowed.
- 8.8 Faded flower arrangements, fresh and artificial, will be removed and discarded.
- 8.9 Decorations for Easter and Christmas are allowed 30 days before the holiday and 30 days after the holiday. All other holiday decorations are permitted one week before and one week after the holiday.
- 8.10 The Cemetery Manager reserves the right to remove any object from the lots placed thereon in violation of the Rules and Regulations.

ARTICLE 9 PLANTS AND SHRUBS

- 9.1 The cemetery will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual planting or urns or plants.
- 9.2 There shall be no individual beds of shrubbery or flowers allowed on the grounds. Lot owners are not permitted to plant upon the lots.

- 9.3 The cemetery office shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery when they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained.
- 9.4 The cemetery reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the Management gives consent.

ARTICLE 10
ENFORCEMENT OF RULES

- 10.1 The Management is hereby empowered to enforce all Rules and Regulations and to exclude from the cemetery any person violating the same. The Management shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, lot owners and visitors and at all times shall have supervision and control of all persons in the cemetery.
- 10.2 The cemetery may, and it hereby expressly reserves the right at anytime, or times, with or without notice to owners, to adopt new Rules and Regulations or to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these Rules and Regulations.

The above RULES AND REGULATIONS were adopted at the regular Board of Directors meeting on September 30, 2009.

//Signed//

Benjamin Quen
President

//Signed//

Laurie Gurske
Secretary