

**ATHENS CEMETERY ASSOCIATION
RULES AND REGULATIONS**

Adopted by the Athens Cemetery Association Board of Directors on November 20, 2019

The Rules and Regulations have been established by the Board of Directors of the Athens Cemetery Association ("ACA"). Any changes, alterations or additions to these Rules and Regulations must be by the actions of the Board. Exceptions to these Rules and Regulations must be approved by the Executive Committee and acted upon by the Board of Directors.

RULES GOVERNING CEMETERY GROUNDS

I. VISITORS

The Athens Cemetery Association cordially welcomes lot owners and the public to the Cemetery grounds. All visitors are asked to observe the following rules in the interest of all lot owners and for the protection of these sacred grounds.

- A. Contact the ACA via U.S. Mail at PO Box 1296, Athens, TX 75751-1296 or through its web site, www.athenstxcemetery.com or by phone (903) 675-9203.
- B. Hours are 6:00 AM until 8:00 PM every day of the year.
- C. Pets are not permitted in the Cemetery. The only exception to this rule is service dogs.
- D. Picnicking or taking food on the grounds is not permitted with the exception of family picnics which may be held under the arbor to the northeast of the main gate.
- E. Portable chairs and stools are welcome during a visit, but must be removed when leaving the Cemetery.
- F. All children must be accompanied by an adult.
- G. Requests or complaints should be directed to the President of the ACA and must be in writing. All requests and complaints will be promptly acted upon.
- H. The Athens Cemetery is sacred ground. Visitors must observe the Cemetery speed limit of 10 miles per hour.
- I. The ACA recognizes that the display of flowers is traditional in all cemeteries. However, improper display of withered or faded flowers left at grave sites can detract from the appearance of the Cemetery and cause significant maintenance problems. The following rules apply to the display of flowers:
 - 1. Flowers must be displayed in vases permanently attached to the tombstone or in brackets attached to the top of the monument. Visitors and space owners are required to use these methods for the display of flowers.
 - 2. Placing cut, live or artificial flowers or plants on the ground at a grave site is not permitted.

- J. The ACA also recognizes that the display of small national flags is traditional in all cemeteries. However, improper display of tattered or faded flags left at grave sites can detract from the appearance of the Cemetery and cause significant maintenance problems. These small national flags, or "stick flags", shall be attached on miniature wooden dowel less than 36 inches tall and may be placed directly in the ground, or in a permanent conduit receptacle, next to the tombstone. These worn out national flags should not be disposed of in the trash, but rather are periodically collected by civic organizations to be respectfully retired in an appropriate ceremony.
- K. To preserve the beauty of the Athens Cemetery, visitors are asked to dispose of trash in the dumpster near the south gate of the Cemetery.
- L. Willfully damaging Cemetery property is punishable by law.

II. GENERAL RULES AND REGULATIONS

- A. Deeds, interment and entombment rights are issued by the ACA for human sepulture only.
- B. Interments, disinterment, entombments and disentombment in the Cemetery require completion of a "Service Authorization Form" signed by the next of kin. This form is prepared by the funeral home providing the service and delivered to the ACA representative at the time of burial. The "Service Authorization Form" must also be completed when cremains are placed in the Cemetery by the next of kin, when done so without the service of a funeral home.
- C. Disinterment and disentombment in the Cemetery require completion of a "Texas Department of State Health, Vital Statistics Services Forms VS-271 and VS-271.1" issued 7/2005. VS-271 is the State approval and VS-271.1 is the consent form. This form requires signatures of next of kin, space owner, and the ACA representative. Both forms are prepared by the funeral home and must be delivered to the ACA representative at least 24 hours prior to the excavation.
- D. Burial vaults must be made of steel construction and of a style approved by the ACA. NO concrete vaults are permitted. All interments, other than cremated remains, must be contained within such a vault. Cremated remains may be interred in sealed urns, other durable containers or any form approved by the ACA.
- E. Graves will be opened and closed by a Grave Service company, approved annually by the Board of the ACA. Such Grave Service company will be employed by the funeral home handling the burial. The Grave Service Company must provide a current certificate of liability insurance with coverage acceptable to the ACA. All grave openings and closings shall have a separate "Opening and Closing Administration Fee" paid to the ACA in addition to the service charges of a Grave Service provider. This separate fee applies to both traditional and cremains burials or removals and is payable to the ACA.

- F. Cemetery spaces will be considered sold only when they are paid in full. Interments or placement of memorials on spaces will not be permitted until a deed for the space is issued to the owner by the ACA.
- G. The ACA representative will, within 30 days of burial, remove excess soil from the grave site. The ACA representative may request the Grave Service Company to distribute soil where settlement occurs in the future. Should utility lines be damaged, it is the responsibility of the Grave Service Company to mark each end of the break and notify the ACA representative.
- H. The scattering of cremated remains within the Cemetery is strictly prohibited unless petitioned in writing by the space owner and approved in advance by the ACA Board.
- I. The burial of infants and children is not permitted between single spaces. Each such interment will be considered as an adult interment.
- J. One Traditional burial with one cremated remains in a suitable container may be interred in a single space. Additionally, two cremated remains in suitable containers may be interred in a single standard space.
- K. The ACA assumes responsibility for the care of turf areas and ACA property only. When allowed, the care and maintenance of improvements made upon spaces by owners is their responsibility.
- L. Concrete curbing must be approved by the ACA Board. If approved, curbs must be within the confines of the space or larger lot and be constructed of reinforced concrete to existing turf grade level. Only grass, (no flowers) will be permitted inside curbing. Request for such curbing must be in writing and include a dimensioned sketch. No other space enclosures such as pavers, brick, steel, sculpted concrete edging or fencing is permitted. Conforming curbing existing at the time of the first issuance of these Rules and Regulations is exempt from this approval requirement.
- M. The Infant Section near the south gate and delineated by swag chain is exempt from these Rules and Regulations unless specifically mentioned herein and such exemption is approved by the ACA Board.
- N. The ACA takes every precaution to ensure that the grounds are kept safe and secure. However, the ACA shall not be liable for any damage caused by space owners, visitors, licensees or trespassers to persons or property within the Athens Cemetery.
- O. The ACA reserves the right to remove any and all enclosures, trinkets and decorations surrounding or on grave sites which are in conflict with these Rules and Regulations or are not properly maintained in the opinion of the ACA.

III. AUTHORITY TO ACT

All multi-space lots and single interment spaces shall be governed by the Athens Cemetery Association.

IV. RULES AND REGULATIONS GOVERNING MEMORIALS AND MONUMENTS

- A. A monument refers to a stone memorial of more than one piece. A monolith refers to a one or two-piece memorial of a particular design. Monolith example — an obelisk is a tall stone of narrow width and depth. Markers are one-piece stones (other than a monolith), or bronze plaques, usually used to mark individuals or serve as footstones. Private mausoleum and sarcophagus refers to a structure for above ground entombment, while a ledger stone refers to a large flat stone covering a portion of the surface of a grave. A Remembrance Marker is any marker honoring a person who is not interred in our cemetery and the actual burial location is noted on the Remembrance Marker.
- B. The choice of memorials and monuments is left to the discretion of the family members of the deceased. For installation of large monuments over 4 feet in height or monuments requiring a special foundation, it is required that the monument company shall submit a sketch of the monument including the foundation to the ACA representative for approval. All monuments and markers, head and foot, must be a minimum of 12 inches by 18 inches by 3 inches thick and must be inscribed with full names, and not be inscribed with just single names such as Bob, Sally, Mother, Father, etc. Bases for monuments or markers erected in the section limited to infants must be no more than 24 inches wide. All memorials and monuments must have suitable, stabilizing foundations to help prevent movement and shifting in place.
- C. Monument companies shall be instructed by the purchaser to notify the ACA representative as to date and time of erection of the marker. An ACA representative must be present at erection and will verify correct location of the marker.
- D. The ACA does not warrant or guarantee the setting and/or placing of monuments or the condition of same. Specifically, the ACA requires the purchaser to obtain a written guarantee from the monument company against future settlement. Purchaser and/or space owner agrees to hold harmless and forever indemnify ACA from liability as it applies to service, maintenance, monument installation and general upkeep of the grave site.
- E. Monument installation in the Athens Cemetery requires completion of a "Monument Authorization Form." The buyer or legal representative and the monument company representative must sign this form at the time of purchase. These forms are available at all monument companies and funeral homes serving the area. Should a monument company remote to the Athens area be selected, contact the ACA and a form will be mailed.
- F. Any and all repairs or resettling of monuments shall be the responsibility of the owner of said marker or monument.
- G. Marble, granite standard bronze and engraved natural stone are the only materials permitted. No wooden, Styrofoam, steel or plastic crosses or plaques will be permitted. Funeral home temporary markers are the only exception to this regulation.
- H. All monuments, markers, monoliths, and ledger stones must be contained within the confines of the space or spaces owned by the family.
- I. A single space may only contain a maximum of two memorials: one monument or monolith and one marker or ledger stone. For example: one monument or monolith at the head and

one marker at the foot or one marker at the head and one marker at the foot. Any additional statuary or religious emblem must be attached to and be a part of a monument, monolith or marker. A marker for the remembrance of any person not buried in our cemetery is not permitted without special permission of the Athens Cemetery Association board of directors. If the board grants the placement, the marker would take the place of one of the markers allowed on that space. A "Monument Authorization Form" must be completed as described in section "E" and additional fees will be charged for this type of placement.

- J. Any existing marker, naming a person not buried in their designated space in our cemetery may not be completed without also referring to the cemetery, town, and state where that person is buried. It is also advisable that any last name change be noted for that person as well. The records kept by our cemetery will reflect that the marker is a Remembrance Marker only and where the person is buried. A "Monument Authorization Form" must be completed as described in section "E", if marker completion is desired. Common example: A spouse dies and the surviving spouse remarries and moves away. When the remarried spouse dies, he/she is buried with the new spouse in a different cemetery, leaving the first marker incomplete and a space unused. Additional note: The family owning the Remembrance space still retains the right to use the unused space. Only one marker can be installed at that time, since the original marker allowed has been used as a Remembrance Marker.
- K. Flower vases or containers must be permanently attached to the monument, monolith or marker. All other statuary, religious emblems, bird baths and the like are not permitted.
- L. Benches are allowed within a family owned lot or space, but subject to prior written approval from the ACA as to the type and location of the bench. A "Monument Authorization Form" should be used for this request.
- M. The ACA has no wish to unnecessarily interfere with a family's choice of memorialization. But in justice to other space owners and to preserve the beauty and harmony of the Athens Cemetery, the ACA must reserve the right to remove any structure, statuary or object it deems a maintenance problem or is injurious to the aesthetic appearance of these sacred grounds.
- N. Families are encouraged to erect permanent monuments/markers as soon as practical after interment. The ACA cannot be responsible for the retention or maintenance of temporary funeral home markers.

V. MAUSOLEUM, SARCOPHAGUS AND CRYPTS

- A. A private mausoleum or sarcophagus may not be erected on less than a standard lot containing 8 spaces.
- B. All deceased must be properly prepared and casketed before entombment. The ACA reserves the right to withhold entombment until such preparation is made.

- C. Crypts will be opened, closed and sealed only by those authorized by the ACA. An entombment fee will be charged which covers the necessary cost of supervision, preparation and preservation of all records.
- D. Only one deceased may be entombed in a single crypt, except when 1) a mother and infant or 2) two small infants are placed in a single casket or 3) one cremated remains, in a suitable container, is placed in a crypt with a traditional casketed adult or child.
- E. Changes, alterations or any additions of any kind to the structure are permitted only upon approval of the ACA.

VI. MAINTENANCE

- A. It is the responsibility of the ACA to maintain the Cemetery in a dignified manner. Turf areas will be mowed and irrigated as needed and grass trimmed around monuments and markers. The following restrictions must be followed to facilitate efficient maintenance.
- B. To facilitate efficient grounds maintenance, trinkets, toys, dolls and other personal items are strongly discouraged. However, these items may only be placed ON the monument, monolith or marker and not on or in the ground. The ACA takes no responsibility for the retention, breakage or disposal of such items.
- C. No shrubbery, trees or flowers are to be planted in the Cemetery unless approved and recorded in the minutes of the ACA. The purchase of an additional space may be required to facilitate such a request.
- D. No brick, concrete or gravel walks will be permitted in the Cemetery.
- E. Decorations and trinkets may not be hung from trees, bushes or fences.
- F. Prohibited Decorations:
 - 1. Items such as bird baths, hanging flower baskets, hanging plants, shepherd's rods, wind chimes, wind socks, pin wheels, statuary, solar or battery operated lighting, flower sprays, loose Styrofoam backed flower displays, tripod wreaths, loose vases, pots, urns, trinkets and the like are not permitted.
 - 2. The placements of decorative items, other than national stick flags, in or on the ground, which are not permanently attached to the monument, are not permitted.
- G. The ACA retains the right to remove, without notice, any live or artificial flowers that have lost their beauty or faded and any items listed above that in the opinion of the ACA, detract from the appearance of the Cemetery or cause maintenance problems.

VII. TRANSFER OF SPACES/LOTS

- A. The sale, transfer, lease or assignment of Cemetery spaces or lots or any portion thereof shall not be valid without first the consent of the ACA and such consent endorsed upon the conveyance. Any individual has the right to convey a lot or lots to any other party provided a valid copy of the deed is provided to the ACA.

- B. ACA will convey lots or spaces to individuals. No interment will be permitted unless proof of ownership has been provided to the satisfaction of the ACA as set forth herein. No interment will be permitted until full consideration has been paid to the ACA. The ACA recommends any purchase of Cemetery lots be filed of record with the Henderson County Clerk.
- C. Inherited Lots/Spaces: Lots and spaces may be subject to the provisions of wills. In the event a lot owner dies intestate, or without a will, the heirs will be recognized according to the laws of descent and distribution of the State of Texas.

VIII. PIONEER SECTION

- A. The Pioneer Section of the Athens Cemetery contains the original family lots which were in existence prior to the establishment of the ACA in 1922. Interment will be granted as provided herein.
- B. The Pioneer Section may have curbing, wrought iron fencing and monument size may vary subject to the approval of the ACA.
- C. Burial will be permitted in family lots when persons can establish a direct link to the original family and there is space available in the lot.
- D. Pioneer Section lots/spaces may be sold or transferred by providing to the ACA a certified copy of the deed from a direct family lineage member.

IX. AMENDMENTS

The Rules and Regulations of the ACA govern the Athens Cemetery premises. These rules may be amended by a majority vote of the Board of Directors of ACA.

X. RIGHTS AND BENEFITS

These rules are set forth for the benefit of the ACA for the purpose of enhancing and maintaining the Cemetery.

XI. CUSTOM LOT SECTION

The ACA has established a Custom Lot Section in the Athens Cemetery for those families interested in obtaining a relatively large area in this historic Cemetery that may be landscaped as desired. Custom Lots are a part of the Celtic Cross Section and the area is marked CL on the Cemetery Map. Wide latitude is allowed in this section for general configuration of the lot, landscaping, monument selection and location. Grave site spacing within the lot can be as desired.

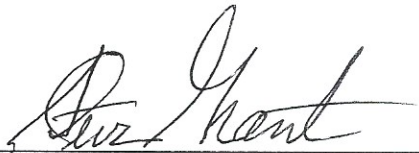
The following rules pertaining to the Custom Lot Section supersede the stipulations set forth in the above Rules and Regulations where there is conflict with such Rules and Regulations.

- A. The intent of the ACA is to provide wide latitude to owners of Custom Lots concerning type, design and location of memorials. Also there is no general restriction on

landscaping within the lot. Trees, shrubs and flowers may be planted to suit the owner's requirements.

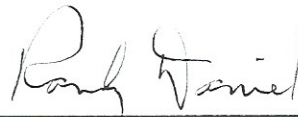
- B. The ACA will, on a regular schedule, mow, irrigate, trim and fertilize Custom Lots. Should the family desire special landscaping on the lot, activities such as planting, weeding of beds, pruning of shrubs and trees, and mulching are the responsibility of the lot owner.
- C. Curbing, if desired may be located as need within the confines of the lot. Curbing must be poured in place, reinforced concrete with a minimum 4 inches thickness, and flush with the turf grade level.
- D. Wrought iron fences, if desired, are to be 3 feet maximum height above existing grade and must be installed on concrete curbing to facilitate maintenance.
- E. The ACA requires the owner to submit a dimensional sketch for Board approval of owner's monument and landscaping plans prior to installation.
- F. Board approval of number 5 above will be primarily based on the aesthetics and appropriateness of the improvements.

Approved and adopted this 20th day of November 2019 by the Athens Cemetery Association Board of Directors.



Steve Grant, President

ATTEST:



Randy Daniel, Secretary