



## **ASBURY UNITED METHODIST CHURCH**

*4204 Thys Road*

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### ***EAST ELFERS CEMETERY PERPETUAL CARE AGREEMENT, TRUST FUND AND BY-LAWS.***

By this revised agreement, written by the present Cemetery Committee and approved on June 7, 2011 by the Board of Trustees of the Asbury United Methodist Church, Inc., all prior agreements, written or implied shall no longer be effective, and are null and void.

Article 1. East Elfers Cemetery, hereinafter will be referred to as **THE CEMETERY**. The East Elfers Cemetery Committee, hereinafter will be referred to as **THE COMMITTEE**. The Board of Trustees of the Asbury United Methodist Church hereinafter will be referred to as **THE BOARD**.

Article 2. Purpose; to maintain, improve, and beautify the grounds through perpetual care. This includes the power to accept gifts, donations and bequests and to sell available spaces or plots.

Article 3. The Committee will consist of the following officers, members and their duties:

- (A) The Chairman of The Board, or a member of Asbury United Methodist Church that is appointed by the Chairman of The Board will preside over all Cemetery Committee meetings. The Chairman of The Committee will determine when and where the committee meetings will be held. The Chairman of The Committee will be required to present an annual report to the Board of Trustees at the August meeting Board of Trustees.
- (B) The Vice Chairman of The Committee shall perform the duties of The Chairman of The Committee in the absence of The Chairman.
- (C) The Treasurer of The Committee will keep all financial records and pay all bills. The Treasurer will provide a financial report at every regular meeting. The Treasurer will keep an entire set of records of all sold spaces.
- (D) The Secretary will keep minutes of all East Elfers Cemetery committee meetings. The Secretary will inform all members of The Committee when a meeting is planned.
- (E) If the Chairman of The Committee is not a member of the Board of Trustees, a member of The Board of Trustees must be appointed to represent The Board on The Committee.

- (F) Six individuals who own property in the East Elfers Cemetery and/or are members of the Asbury United Methodist Church. Periodic canvassing of property owners and church members will be done to ascertain if any are willing to serve on the The Board. The criterion for membership is a willingness to participate in all functions necessary to maintain the East Elfers Cemetery.

All Officers will be elected annually by the Comitée and then confirmed by the Administrative Board of The Asbury United Methodist Church.

- Article 4. DEEDS: Deeds will be the sole, legal document of ownership of all sold cemetery spaces. All deeds must be signed by the The Committee. After October 1, 1993, if a deed has been issued for a cemetery space that has not become a grave and at a later date an unknown, unrecorded older deed and/or receipt is presented, the Committee will have the authority to determine which deed will be honored. Once a cemetery space is sold and becomes a grave and an unknown, unrecorded older deed and/or receipt is then presented, the committee will substitute another space for the original space to the owner for that unknown deed.
- Article 5. Meetings: The Chairman will call meetings when necessary. However the Committee will meet no less than four times a calendar year. Meetings will be open to all non-committee members who can participate in all cemetery matters except voting on motions.
- Article 6. The Fiscal year for the Committee will be the same as the Asbury United Methodist Church.
- Article 7. Amendment of By-Laws and Articles of the Committee may be proposed by any member of the Committee. All amendments or major changes must be first approved by a simple majority vote of the Committee and then by the Board of Trustees.
- Article 8. Remuneration. No member of the committee shall receive remuneration for his services, except as may be voted by the membership.
- Article 9. General Membership meeting. A regular Committee meeting must have 51% or a minimum of six (6) of the total membership of The Committee to constitute a quorum. For any special meeting called by the Chairman, those present will constitute a quorum. Members of the Committee will be given 3 days notice before any meeting.
- Article 10. All monies received from the sale of lots, donations or fund raising activities shall be deposited into the Cemetery High Interest (MM) checking account. Once the amount in this account exceeds \$50,000, those excess monies will be transferred into the East Elfers Cemetery Trust Fund (Perpetual Care Fund). The temporary need to have this large amount is due to projected expenses necessary to bring the grounds and amenities up to a respectable condition. At such time all spaces are filled, all monies will be transferred to the East Elfers Cemetery Trust Fund.

- Article 11. One Lot contains either 4 Spaces (the section of the Cemetery within the circle driveway) or 8 spaces (the section of the Cemetery outside of the circle driveway.) A Regular (including a vault and casket) Burial Space is 4'x 8'. A Cremation Burial Space is 4' x 4' or any space that is too small to accommodate a vault, or is adjacent to any natural obstruction. All burials, with the exception of cremations, must include a casket and vault. All spaces are to contain the remains of one person only.
- Article 12. Each cemetery space once becoming a grave, must have a permanent stone, grave marker or tombstone. Each marker must have the deceased person's name, date of birth and date of death. All grave markers must be of the permanent type and must respect the dignity and reverence of the Cemetery. The only acceptable, temporary type of ornament is artificial flowers. All other types of grave markers, shrubs or trees and items must be pre-approved in writing by the Committee or they will be removed by the Committee. All shrubs or trees which exceed the cemetery space or grave site will be trimmed or removed by the Committee.
- Article 13. All resale's of cemetery spaces by private owners must be submitted in writing to The Committee and approved by The Committee before any resale's will be permitted.

Amendments: June 7, 2011

- Article 3 (F) Text added to clarify how members of The Board are chosen.  
Article 3 Following text removed "(except Chairman of The Committee)"  
Article 10 Rewritten to simplify and show how operations monies will be maintained and for how long.