



ASBURY UNITED METHODIST CHURCH

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EAST ELPERS CEMETERY PERPETUAL CARE AGREEMENT, TRUST FUND AND BY-LAWS.

October 23, 1993

By this revised agreement, written by the present Cemetery Committee and approved on October 26, 1993 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 the sale of available spaces or family plots.
- ARTICLE 3.** The Committee will consist of the following officers and 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.

Trust Fund

- (E) The Senior Pastor or appointed representative of the Asbury United Methodist Church.
- (F) 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.
- (G) Six individuals who own property in the East Elfers Cemetery and/or are members of the Asbury United Methodist Church.

All Officers (except Chairman of The Committee) will be elected annually by the Committee 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 Chairman of The Board of Trustees (The President of the ASBURY UNITED METHODIST CHURCH, INC.) and by the Secretary or Treasurer of 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 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 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 voted by the membership.
- ARTICLE 9. General Membership meeting.
A regular Committee meeting must have 51% 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, phone or written, before any meeting.

- ARTICLE 10. All money received from sale of lots, donations or fund raising activities shall be deposited into the Cemetery maintenance checking account until such time that account exceeds a balance of \$10,000. If the checking account balance is \$10,000 or greater, those additional monies or funds above \$10,000 will be deposited into 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 3' 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 or metal 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 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 resales of cemetery spaces by private owners must be submitted in writing to The Committee and approved by the Committee before any resale will be permitted.
- ARTICLE 14. Prior to all burials, a \$100.00 grave marker deposit will be required. A grave marker or engraving of an existing grave marker will automatically be ordered by The Committee unless prior arrangements are made for another grave marker or the engraving of an existing grave marker. The Committee must be informed of these prior arrangements within 60 days after a burial to qualify for a refund of the \$100.00 deposit. Once a grave marker or engraving is ordered by The Committee, no refund will be made.