

GLENWOOD CEMETERY, INC.

**RULES AND REGULATIONS**

(Revised March, 2024)

- Rule 1-a General. The terms used in these Rules and Regulations shall have the same meanings as said terms are defined in Chapters 711, 712, 713, 714, and 715 of the Texas Health and Safety Code, except as otherwise specifically defined in these Rules and Regulations.
- Rule 1-b Memorial Defined. The term “memorial” shall include only a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, urn, and crypt and niche plates.
- Rule 1-c Monument. The term “monument” shall include a tombstone or memorial of granite, or other approved stone, which shall extend above the surface of the ground.
- Rule 1-d Cemetery Defined. The term “Cemetery” means either the corporation owning and/or operating Glenwood Cemetery and Washington Cemetery, including the grounds and buildings themselves.

**OWNERSHIP AND INTERMENT RIGHTS**

- Rule 2-a Ownership. A deed to a grave in the Cemetery conveys to the owner the exclusive right of sepulture therein and conveys no other interest in the real property of the Cemetery. Deeds will be issued by the Cemetery only to competent natural persons twenty-one years of age or older, or to trusts, family partnerships, fraternal or religious organizations, but no deed shall be issued in an assumed or corporate name.
- Rule 2-b Co-Ownership. Prior to the issuance of the deed to grave spaces in the Cemetery, if the contract for such deed shall be in the name of more than one person, the contractual right for the deed shall be owned by such persons as co-tenants with the right of survivorship and not as tenants in common. Upon the death of any co-tenant, the surviving co-tenants shall be the sole and absolute owner(s) of the contract and all rights with respect thereto as though the contract for such certificate of assignment had been registered in the name of such co-tenant(s) alone. If the exclusive right of sepulture in a lot is issued to and owned by more than one person, the Cemetery may accept the authority of any co-owner to make an interment therein without the authority of any other co-owner unless all owners shall object in writing and the co-owner who shall authorize such interment shall not thereby waive, release, or diminish his or her interest in the remaining grave spaces of such lot.

## GENERAL SUPERVISION OF CEMETERY

- Rule 3-a Admission to Cemetery. The Cemetery is private property, and the Cemetery reserves the right to refuse entry to anyone not a plot owner and to deny the use of any of the Cemetery facilities at any time to any person or persons whom management may deem objectionable to the best interest of the Cemetery.
- Rule 3-b Executive Director in Charge of Funeral. All funerals, on reaching the Cemetery, shall be under the charge of the Executive Director, or her designee.
- Rule 3-c Casket Not To Be Disturbed. Once a casket containing a body is within the confines of the Cemetery, the Cemetery reserves the right to refuse permission to any funeral director, or his embalmer, assistant, employee, or agent, to open the casket or to touch the body without either the consent of the legal representatives of the deceased or a court order.

## INTERMENTS AND DISINTERMENTS GENERALLY

- Rule 4-a Interments on Sundays will be permitted only at the sole discretion of the Executive Director. No interments will be permitted on Thanksgiving Day and Christmas Day.
- Rule 4-b Subject to Laws. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are made subject to the orders and laws of the duly constituted authorities of the city, county, and state.
- Rule 4-c Time and Charges. All interments, disinterments, and removals must be made at the time, in the manner, and upon such charges, as fixed by the Cemetery.
- Rule 4-d Notice. The right is reserved by the Cemetery to insist upon at least twelve working hours' notice prior to any interments, and to at least one week's notice prior to any disinterment or removal.
- Rule 4-e Application for Interment/Inurnment. The Cemetery reserves the right to refuse interment/inurnment in any plot and to refuse to open any burial space for any purpose, except on written application by the plot owner of record made out on blanks provided by the Cemetery and duly filed in the office of the Cemetery.
- Rule 4-f Authorization of One Plot Owner Sufficient. The Cemetery reserves the right to make an interment of any member of the immediate family of any one of several plot owners upon the written authorization of such plot owner and to refuse interment of any other person without the written consent of all those owners of the plot who are recorded as such on the records of the Cemetery.

- Rule 4-g Location of Interment Space. When instructions regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened where specified, the Executive Director may, at her discretion, open it in such location as she deems proper and best, so as not to delay the funeral, and the Cemetery shall not be liable in damages for any interment so made.
- Rule 4-h Orders Given by Telephone or Electronic Transmission. The Cemetery shall not be held 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, and location in a plot where interment is desired.
- Rule 4-i Errors May Be Corrected. The Cemetery reserves, and shall have, the right to correct any errors that may be made by it in making either interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property 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 value and similar location as may be substituted and conveyed in lieu thereof. The Cemetery shall also have the right to correct any errors made by placing an improper description, including an incorrect name or date on the memorial. There shall be no liability against the Cemetery for any remedy other than the correction of the error.
- Rule 4-j Delay in Interment Caused by Protests. The Cemetery shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where the Rules and Regulations have not been complied with; and further, the Cemetery reserves the right under such circumstances to refuse to accept the body for interment until all rights have been determined. The Cemetery shall be under no duty to recognize any protest of interment unless it is in writing.
- Rule 4-k Not Responsible for Permit or Identity. The Cemetery shall not be liable for the interment permit nor for the identity of the person to be interred.
- Rule 4-l No Interment or Memorial Permitted Unless Property Paid For. No interment shall be permitted or memorial placed in or on any property not fully paid for except by special consent of the Cemetery in writing, and, in the event such consent is given, all interments or memorials placed in or on said property shall be considered as temporary, and a note shall not be considered as payment, and no rights shall be acquired by the plot purchaser of said interment or interments until such property is fully paid for in cash, including principal and interest. In case the purchaser of said property shall fail to meet all payments within thirty days after the same is demanded by the Cemetery, said demand to be given by mailing notice to the purchaser to their address as it appears on the records of the Cemetery, then the Cemetery may re-enter said property, take possession thereof, and terminate the rights of the purchaser therein. The Cemetery, thereupon, shall be released from all obligations thereunder, and it may retain such payments as may have been made

toward the purchase of such property as liquidated damages. The Cemetery reserves the right and shall have the right, immediately or at any time thereafter, without notice, at its discretion, to remove to single graves, to be chosen by the Cemetery, each of the remains then interred in said property. The Cemetery further shall have the right to remove any memorial that may have been placed on said property.

- Rule 4-m Interment of More Than One Body. Unless double depth rights are purchased, no more than one body, or the remains of more than one body, shall be interred in one grave. Additionally, two cremations may be interred in one grave space. If no casket burials are made, then three (3) cremations may be interred in one burial space.
- Rule 4-n Permanent Ground Receptacles. All interments shall be made only in concrete, steel, or other permanent ground receptacles to avoid receptacle deterioration or collapsing. The Cemetery reserves the right to reject and to refuse installation of any ground receptacle which does not reflect high-grade craftsmanship. Interments may be made in ground receptacles manufactured of materials other than concrete or steel only after the Board of Directors of the Cemetery has been furnished a laboratory report acceptable to such Board based upon a thorough investigation by an independent testing company which shall determine that such ground receptacle constitutes a “permanent ground receptacle” as that term is used in the cemetery business.
- Rule 4-o Interment in Church or Lodge Plot. Where a plot is owned by a church, lodge, or other society, interments shall be limited to the actual members of that organization and their husbands or wives and to the immediate members of families of members.
- Rule 4-p Burial Rights. Lot owners will not be permitted to allow interments to be made in their lots for remuneration.
- Rule 4-q Cemetery’s Equipment Must Be Used. Tents, artificial grass, lowering devices, and other equipment owned by the Cemetery shall be used exclusively in making interments, disinterments, and removals. An exception to this policy may be made by the Executive Director.
- Rule 4-r Burial Permits. Funeral Directors must furnish the Cemetery with the proper permits before any burial will be permitted.
- Rule 4-s Use of Property. The use of the property in the Cemetery is restricted to the interment of human remains only.

#### DISINTERMENTS AND REMOVALS

- Rule 5-a Removal for Profit Prohibited. Removal, by the heirs or successors in interest, of a body or cremated remains so that the plot may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot owner, is repugnant to the ordinary sense of decency and is forbidden.

- Rule 5-b May Obtain Larger Plot. A body, or cremated remains, may be removed from its original plot to a larger and better plot in the Cemetery, by heirs or successors in interest, when there has been an exchange or purchase for that purpose.
- Rule 5-c Care in Removal. The Cemetery shall exercise the utmost care in making a removal, but it shall assume no liability for damage to any casket or burial case or urn, vault, or concrete box, incurred in making removals.

#### SERVICE CHARGES AND PAST-DUE INDEBTEDNESS

- Rule 6-a Payment of Service Charges. The charges for the Cemetery services must be paid at the time of the issuance of the order of interment or disinterment and removal.
- Rule 6-b Past-Due Indebtedness. Arrangements for the payment of all indebtedness due to the Cemetery must be made before interment will be made in any plot.

#### TRANSFER OR ASSIGNMENT

- Rule 7-a Consent of Cemetery. No transfer or assignment of any plot, or interest therein, shall be valid without the consent in writing of the Cemetery; first endorsed upon such transfer or assignment and then recorded on the records of the Cemetery.
- Rule 7-b Indebtedness. No transfer or assignment shall be made as long as there is any indebtedness due the Cemetery from the record plot owner.
- Rule 7-c Cemetery Records. Information required must be given by the new owner at the office of the Cemetery, the transfer fee as fixed by the Cemetery paid, and the transfer recorded on the records of the Cemetery before a transfer from one lot owner to another shall be valid.
- Rule 7-d New Title. There will be a charge of \$500.00 per space for the issuance of a new title after proper notification in writing to the Cemetery by the new lot owner.
- Rule 7-e Bequests. At any time before an interment is made in a lot, any owner may bequest his interest therein, subject to the provisions of Rules 2-a and 2-b hereof, by appropriate provisions in his Last Will and Testament or by a written declaration filed with the Cemetery office. If the owner of said lot or lots shall not bequeath the said lot or lots by appropriate provisions in his Last Will and Testament or by a written declaration filed with the Cemetery office, upon the death of such owner, said lot or lots shall become inalienable and shall be held as the family burial plot of the owner, one of which grave spaces shall be used for the interment of the spouse of the owner, if any. The remaining space or spaces may be used by the parents or children of the deceased owner in order of need, and the consent to the interment of no person claiming an interest therein shall be required. If there is no spouse, parent, or child surviving the deceased owner, the right of

interment therein shall vest in the heirs of said deceased owner, in accordance with the laws of descent and distribution of the State of Texas. Any spouse, parent, or child may waive his or her right to interment in said lot or lots in favor of any other person, and upon such a waiver, such interment shall be made.

#### CONTROL OF WORK BY CEMETERY

- Rule 8-a Work To Be Done in Cemetery. All work and improvements, or alterations of any kind on individual property in the Cemetery, shall be done under the direction and subject to the consent and approval of the Executive Director, and should they be made without her consent, she shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner.
- Rule 8-b Alterations to the Cemetery. The Cemetery reserves the right to lay out, close or alter, from time to time, such avenues and walkways as it may see fit.
- Rule 8-c Memorials. Memorial construction, inscriptions, lettering, and ornamentation must be free of imperfections and must be of high-grade craftsmanship in every respect. The Cemetery reserves the right to reject and refuse the installation of any memorial which does not reflect high-grade craftsmanship. No memorial may be removed from the Cemetery except upon written authority signed by the lot owner and by the next of kin, except memorials that are repossessed for non-payment of the purchase price, in which event the authority of neither the lot owner nor the next of kin shall be necessary. All removals of memorials shall only be made by the Cemetery, the cost of which shall be paid in advance to the Cemetery.

#### GRAVE MOUND AND MAINTENANCE

- Rule 9-a Grave Leveling. The Cemetery authorities shall have full right to fill and level graves and plant grass thereon. All graves shall be filled, tamped, and finished to the same level as the surrounding ground, and all graves shall be covered completely with sod.
- Rule 9-b Planting. Landscape planting, or flower or shrubbery planting, or alterations thereof, will be permitted only upon the prior approval of the Executive Director. The maintenance of such planting is the obligation of the lot owner, and if such planting is not properly maintained, it may be removed by the Cemetery. All flowers, shrubs, and trees that die or become diseased shall be removed without notice to the lot owner.

## CONDUCT OF PERSONS WITHIN THE CEMETERY

- Rule 10-a Hours for Office and Grounds. The Cemetery grounds shall be open from 7:00 a.m. until 5:30 p.m. The Cemetery office shall be open on weekdays from 8:00 a.m. until 4:30 p.m., closed on Saturdays, Sundays, and such other days as may, from time to time, be designated by the Cemetery. No one except an employee of the Cemetery shall be allowed on the grounds after closing hours.
- Rule 10-b Improprieties. It is of the utmost importance that there be strict observance of all of the proprieties in the Cemetery, whether embraced in these Rules and Regulations or not. No improprieties shall be allowed, and the Executive Director shall have the power to prevent improper assemblages and boisterous and unseemly conduct.
- Rule 10-c Executive Director to Enforce Rules. The Executive Director is hereby empowered to enforce all Rules and Regulations and to exclude from the property of the Cemetery any person violating them. The Executive Director shall have charge of the grounds and building and at all times shall have supervision and control of all persons in the Cemetery, including the conduct of funerals, traffic, employees, plot owners, and visitors.

## REASONABLE PROTECTION AGAINST LOSS AND NON-LIABILITY OF CEMETERY

- Rule 11 Cemetery Not Liable. The Cemetery shall take reasonable precaution to protect the plot owners, and the property rights of plot owners, within the Cemetery from physical loss or damage. However, the Cemetery shall not be responsible or liable (except as may be otherwise provided or required by applicable law) in any manner whatsoever for any loss or damage of any kind to plot owners or their property resulting, directly or indirectly, from causes beyond the Cemetery's reasonable control. The Cemetery hereby expressly disclaims all responsibility and liability for any such loss or damage, including, but not limited to, loss or damage caused by the elements, an act of God, the common enemy, thieves, vandals, labor strikes, malicious mischief, explosions, unavoidable accidents, invasions, insurrections, riots, or by order of any military or civil authority.

## CHANGE IN ADDRESS OF PLOT OWNERS

- Rule 12 Plot Owners Must Notify Cemetery. It shall be the duty of the plot owner to notify the Cemetery of any change in his post office address. Notice sent to a plot owner at the last address on file in the Office of the Cemetery will be considered sufficient and proper legal notification for all purposes, whether or not such purposes be specified in these Rules.

## MEMORIAL WORK

- Rule 13 Monuments and Copings. Plans and specifications covering size, design, material, and finish for all monuments, grave markers, and copings, including foundations, must be submitted to the Cemetery Office and written approval of the same secured before erection in the Cemetery will be permitted. The Cemetery shall not be liable for damage that may be sustained by any memorial or marker set in the Cemetery.

## RESERVED RIGHTS

- Rule 14 The Cemetery reserves the right from time to time to enlarge, reduce, re-plat, or change the boundaries or grading of the Cemetery, or any section thereof, including the right to modify or change the location of, remove or re-grade roads, drives and/or walkways, or any part thereof, and to lay, maintain, operate, alter, or change pipelines, sprinkler systems and drainage systems. The Cemetery reserves the right to use and to place trees, shrubs, statues, monuments, and works of art on portions of the Cemetery not sold to individual lot owners. The Cemetery reserves unto itself a perpetual right of ingress and egress over graves, grave spaces, and lots for purposes of maintenance and for any lawful purpose.

## MODIFICATIONS AND AMENDMENTS

- Rule 15-a Exceptions and Modifications. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its sole judgment, the same appear advisable; and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such Rule.

Rule 15-b Amendments. The Cemetery may, and it hereby expressly reserves the right, at any time and from time to time, to adopt new Rules and Regulations or to amend, alter, or repeal any Rule, Regulation, or article, section, paragraph, or sentence in these Rules and Regulations.