

# Grace Episcopal Church Cemetery Regulations

November 2016

These Regulations are approved by the Vestry of Grace Episcopal Church (the "Church"). The Church hereby expressly reserves the right at any time, with or without notice to a "purchaser" or "owner" of a lot, to adopt new regulations or to amend, alter or repeal any of these regulations.

## **Section A**

### **Purchase, Sale-Transfer, and Ownership of Interment Rights to Cemetery Lots**

Purchase of interment rights to Cemetery lots is limited to current members and their children, grandchildren and spouses. Non-members of the church may be granted interment rights based upon approval of the Rector and the Junior Warden. (See Addendum IV)

All agreements for purchase of interment rights must be approved by the Junior Warden. Once the interment rights are paid for, the Parish Administrator will issue a Certificate of Ownership signed by the Junior Warden. Verbal agreements as to sale or reservation of lots shall not be binding. (See Addendum V)

Interment rights may not be transferred or assigned without prior written approval of the Vestry. If the right(s) of interment is (are) not exercised by the owner, then such rights shall be returned to the Vestry. The Vestry may repurchase interment rights at the original purchase price. Recovery of abandoned interment rights will be IAW Virginia State Code Title 57 Chapter 3, Section 57-39.1:1. (See Addendum I)

Before his or her demise, the owner of unoccupied burial sites may designate family members eligible for interment for those sites, consistent with Section B below. Additional charges may be incurred based on current price lists and schedules, and family relationship.

The Vestry shall from time to time review and revise interment right price lists and schedules in consultation with the Cemetery Committee. Any and all such changes shall be published as an addendum (Addendum II) to the Cemetery regulations. Corner stones will be included in the purchase price and will be purchased by the Church. The Cemetery Committee will coordinate their installation.

## **Section B**

### **Interment**

All interment arrangements should be made through the Parish Administrator. The phone number for the office is 434 293 3549.

Only the remains of the owners of interment rights and the following immediate and descendant relatives of the owner may be interred: parents, spouses, siblings, natural and adopted children or

stepchildren. All interments must be recorded in the church office by the Parish Administrator with the information in Addendum VI as a minimum.

Interment shall not be permitted in any interment space that is not clear of indebtedness to the Church, unless a payment schedule for such indebtedness is approved by the Vestry.

Only human remains may be interred in the Cemetery. All interments shall be made under the supervision of a Virginia licensed funeral director and shall be in accordance with all applicable regulatory requirements. A representative from the Cemetery or Grounds Committee must identify and mark the gravesite for burial.

Funerals and ceremonies held in the Cemetery shall be under the direction of the Rector. All Interments must be made in an outer receptacle (vault, concrete box, urn, etc.) that will not rot or cave in over time. Cremated remains may be interred in a vault or urn.

A maximum of one casket or four cremated interments are allowed per cemetery plot. Marking and identification for each cremated interment is limited to a maximum size of one foot by two feet (1' x 2' see Addendum III).

Interments made other than in accordance with the Cemetery regulations prevailing at the time of the interment may be considered a breach of contract and subject to correction by the Vestry. Every effort will be made to accommodate offending parties short of disinterment. If mutual accommodation cannot be reached, the Vestry may direct disinterment of the remains and disposal in any legal manner the Vestry may desire, with or without consent of the interment rights owner and/or next of kin of the deceased.

### **Memorial Garden Procedures**

The Memorial Garden is for the interment of cremated remains.

The cost for use of the Memorial Garden will be IAW Addendum II. This does not include the cost of the urn. For the burial of the urn, a qualified gravedigger must open an 18" x 18" gravesite and an authorized representative of the Cemetery or Grounds Committee must identify and mark the precise 18" x 18" gravesite.

No ashes for interment or scattering will be accomplished until all Cemetery fees are paid. This includes the \$300 cost of a Memorial Garden memorial stone name plate.

No ashes shall be scattered without prior notification of the church office. Ashes may be scattered by the family, a family friend, or the Rector of the church.

Ashes may only be scattered in the designated cemetery location. Ashes cannot be scattered when there is snow or ice on the ground. The ashes must disappear within the periwinkles

## **Section C**

### **Markers**

All interments should have permanent markers erected or installed within six months after burial. Markers, stones and monuments of any type are subject to prior approval by the Cemetery Committee or Junior Warden before erection. The Vestry reserves the right to prohibit the erection of any monument or memorial that, in the judgment of the Vestry, may be deemed inappropriate in material, design or workmanship. Multiple examples of acceptable markers are located throughout the Cemetery. Before having a marker, stone or monument prepared, owners of interment rights shall submit a sketch with dimensions to the Parish Administrator for approval by the Cemetery Committee or Junior Warden as appropriate. Mausoleums are not permitted. A small columbarium may be approved by the vestry. Columbarium dimensions and a picture are required as part of the approval process. All charges for interments and erection of stones or markers shall be the responsibility of the lot owner.

Flush-with-the-ground grave markers, other than those in the Memorial Garden, may vary in size, style and design but should be mounted on granite or stone slabs with borders to keep vegetation from growing over the markers. Only flush-with-the-ground markers can be placed over urn burial sites in the Memorial Garden and they shall be of the same size, style and design as existing markers in the Memorial Garden. The Cemetery Committee will obtain and install uniform name plates for the Memorial Garden memorial stone. The cost for this name plate is \$300.

All monuments, headstones, footstones, cornerstones or memorials or other types of markers are the full responsibility of the interment rights owners for care and maintenance. If for any reason, the owners allow any headstone, monument or memorial to become unsafe, the Vestry, through the Cemetery Committee, will notify the family or heirs for repair or removal, and reserves the right to repair or remove any such item at the family's expense.

Enclosures of lots with copings or railings, shrubbery or ditches are not permitted. (*Enclosures existing prior to adoption of these regulations may not be enlarged or changed in any manner.*) Grave mounds are not permitted. All lots will be maintained at the established grade. Furthermore, no benches or other items shall be placed in the Cemetery without prior approval of the Cemetery Committee or Junior Warden.

The Vestry, through the Cemetery Committee, has the authority to remove any objectionable object, structure, or plant placed contrary to these regulations.

## **Section D**

### **Grounds**

The Vestry of the Church assumes the responsibility for the general care of the Cemetery grounds and the interment spaces.

The Vestry makes no commitment to interment right owners as to standards of grounds or area maintenance within the Cemetery. Interment rights owners may cut the grass, rake leaves, pull weeds and otherwise maintain their lots subject to approval of, or restriction by, the Grounds Committee.

Natural flowers and potted plants are strongly encouraged. Flowers, including those from funeral services, will be removed in a timely manner, according to the discretion of the Grounds Committee. Artificial plants and flowers are prohibited. All flowers may be removed prior to grass cutting if necessary.

In the interest of safety, glass or other breakable containers are not permitted in the Cemetery. Breakable containers will be collected by the Grounds Committee and held for thirty days so the owners can collect them. After thirty days, they will be disposed of at the discretion of the Grounds Committee, which assumes no responsibility of such items regardless of value.

All grounds work and maintenance must have prior approval from the Grounds Committee. Shrubs and trees may be planted at gravesites only with prior written approval and the direction of the Grounds Committee or Junior Warden. Planted items are considered part of the Cemetery and may not be removed. Their appearance may be controlled by the Grounds Committee in order to limit undesirable screens or overhang or other encroachments into walkways or other gravesites. Some plants may be approved on condition that the planting maintains the appearance of the gravesite. If the lot owner does not maintain the plant or plants, the Grounds Committee may remove such items without notice to the owner. The Vestry may accept in-memoriam donations of trees, planted and maintained by the Grounds Committee.

The Vestry, through the Grounds Committee, may from time to time lay out and alter walkways as they may deem necessary and appropriate.

Commercial vehicles shall not enter the Cemetery without permission of the Rector or Junior Warden, except for maintenance of the Cemetery and for facilitating interment or disinterment. Any maintenance contractor, funeral home, stone company or grave digger whose vehicle or subcontractor vehicle causes damage to any object or the ground surface of the Cemetery shall make repairs acceptable to the Rector or Junior Warden, or will be barred from any future work at the Cemetery.

## **Section E**

### **Liability**

The Vestry shall take reasonable precaution to protect burial right owners within the Cemetery from loss or damage to grave markers and lot. However, the Vestry expressly disclaims all responsibility and shall be relieved from any liability for theft or damage from causes beyond its control, and especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, explosions, accidents, invasion, insurrection, riots, or direction from any military or civil authority whether the damage be direct or indirect, other than as herein provided.

## **ADDENDUM I**

### **2013 Code of Virginia**

### **Title 57 - RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.**

### **Chapter 3 - Section 57-39.1:1 - Recovery of abandoned interment rights; procedure; rights of owner of record**

**Universal Citation:** VA Code § 57-39.1:1 (2013)

§ 57-39.1:1. Recovery of abandoned interment rights; procedure; rights of owner of record.

A. When interment rights that have been granted by the owner of a cemetery are not used for a period of 50 years or more, they shall be deemed abandoned and revert to the owner of the cemetery, provided he has complied with the provisions of subsections B, C, and D. For the purposes of this section, "interment" means the same as such term is defined in § 54.1-2310.

B. If the last known address of the record owner of an interment right or his heirs, assigns, or next of kin is known to the owner of the cemetery or may reasonably be ascertained by the owner of the cemetery, the owner of the cemetery shall send notice by certified mail, return receipt requested, to the owner of the interment right, his heirs or assigns, and any next of kin at such address. The notice shall request the owner's current address, if different from the last known address, and the addresses of the owner's heirs or assigns. If a written response is received from the person to whom notice was sent by the cemetery, the interment rights shall not be deemed abandoned and such rights shall continue for an additional 50 years from the date the response was received by the cemetery. If notice is returned undeliverable or if no response is received by the cemetery within 30 days after notice was sent, the cemetery shall publish a general notice pursuant to subsection D in a newspaper of general circulation (i) in the county or city where the cemetery is located and (ii) in the county or city of the last known address of the record owner of the interment rights.

C. In cases in which the last address for the last record owner of an interment right or his heirs, assigns, or next of kin is not known to and cannot reasonably be ascertained by the owner of the cemetery, the cemetery owner shall publish a notice, once a week for four consecutive weeks in a newspaper of general circulation in the county or city where the cemetery is located pursuant to subsection D.

D. Notice required to be published pursuant to subsections B and C shall contain the name and business address of the cemetery and the name of the last record owner of the interment rights and shall state the intent of the cemetery owner to declare the interment rights abandoned. If no response is received by the cemetery by or on behalf of the record owner or his heirs or assigns within 120 days after publication of the last required notice, the interment rights shall be deemed abandoned and shall revert to the owner of the cemetery. If a written response is received by the cemetery, the interment rights shall not be deemed abandoned and such rights shall continue for an additional 50 years from the date the response was received by the cemetery.

E. If, within 30 years after the interment rights have been deemed abandoned, the record owner, or his heirs or assigns, can prove to the cemetery or a court of competent jurisdiction that he is entitled to the interment rights, the cemetery shall, at no cost, provide a right of interment similar to the one that was abandoned.

(1997, c. 74; 2012, c. 691.)

## **ADDENDUM II**

### **Cemetery Lot Pricing**

Tier I: Current members and/or spouses.

**\$ 800 per lot, plus \$175 for corner stones**

Tier II: Other blood relatives of current members and their spouses; former members and their spouses and blood relatives.

**\$ 1000 per lot, plus \$175 for corner stones**

Tier III: All others. Limit two (2) burial sites.

**\$ 2000 per lot, plus \$175 for corner stones**

### **Memorial Garden Pricing**

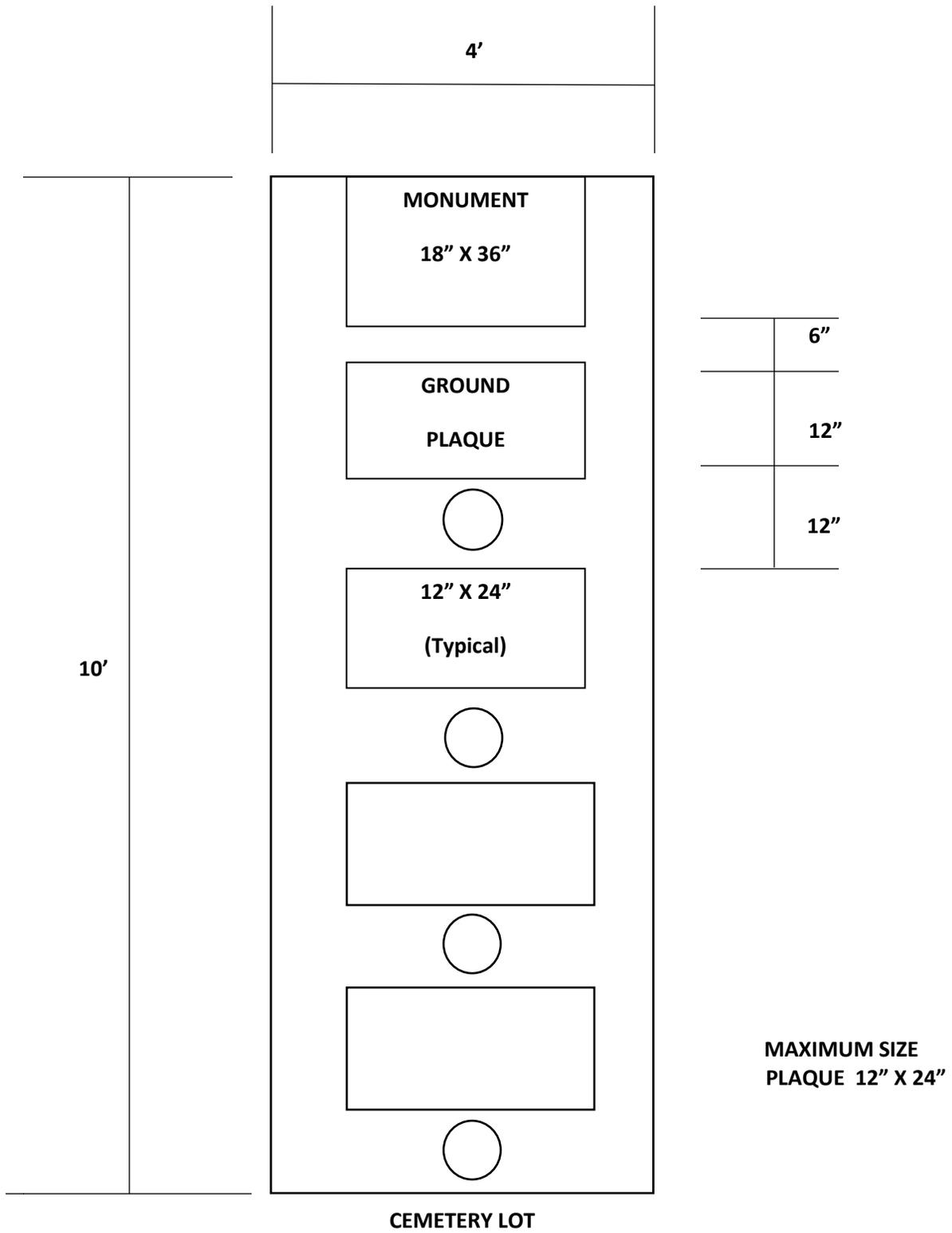
**(Includes \$300 cost for memorial stone name plate)**

To Scatter Ashes **\$ 450**

Burial of Urn Tier I / II **\$ 600**

Tier III **\$ 1000**

# Addendum III



# ADDENDUM IV

## Request For Cemetery Lots

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone / Email: \_\_\_\_\_

Member      Yes \_\_\_\_\_ No \_\_\_\_\_

If no, are you a child, grandchild or spouse of a member?    Yes \_\_\_\_\_    No \_\_\_\_\_

Are you a former member of Grace?      Yes \_\_\_\_\_      No \_\_\_\_\_

For Official Use Only

Lot Number(s): \_\_\_\_\_

Cost: \_\_\_\_\_

Approved: \_\_\_\_\_

Rector

Approved: \_\_\_\_\_

Junior Warden

# Grace Church Cemetery

## ADDENDUM V

---

### Certificate of Ownership

THE VESTRY OF "GRACE EPISCOPAL CHURCH", IN WALKER'S PARISH,  
ALBEMARLE COUNTY, VIRGINIA

**Certify,** THAT.....

of.....is the owner of

Lot No. ....as shown on the Map of said Cemetery

Grounds, and having superficial area of .....square feet, for

which said ..... has paid as consideration the

sum of .....dollars, and the said .....his heirs and

assigns, are entitled to the use of said Lots for the purpose of sepulture alone, subject to

the rules and regulations established by the aforesaid Vestry.

The said Vestry further certifies that in consideration of the payment aforesaid the said

Lot No..... will be kept in good order

in perpetuity or as long as Grace Church Cemetery is used for cemetery purposes.

**In Testimony Whereof,** the said Vestry has caused these

presents to be signed by their Junior Warden; and their seal to be hereunto

affixed, this.....day of .....in the year of our Lord, .....

.....

Junior Warden

# ADDENDUM VI

## Interment Information

Name of Deceased \_\_\_\_\_

Male \_\_\_\_\_ Female \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Family Telephone \_\_\_\_\_

Relationship to lot owner \_\_\_\_\_

Next of Kin (relationship) /Executor Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone & Email \_\_\_\_\_

Deceased Religion \_\_\_\_\_

Church Affiliation \_\_\_\_\_

Marital Status \_\_\_\_\_

Maiden Name (if applicable) \_\_\_\_\_

Veteran Status \_\_\_\_\_

Service Branch (if applicable) \_\_\_\_\_

Age \_\_\_\_\_

Date of Death \_\_\_\_\_

Date of Birth \_\_\_\_\_

Place of Birth \_\_\_\_\_

Funeral Home \_\_\_\_\_

Date of Funeral \_\_\_\_\_

Date of Burial \_\_\_\_\_

Interment Plot \_\_\_\_\_

Cremated? Yes \_\_\_\_\_ No \_\_\_\_\_

Memorial Garden Plot \_\_\_\_\_

Urn Buried? Yes \_\_\_\_\_ No \_\_\_\_\_

Ashes Scattered? Yes \_\_\_\_\_ No \_\_\_\_\_

Presiding Clergy \_\_\_\_\_

Other Next of Kin / Survivors for possible future contact \_\_\_\_\_

**Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone & Email \_\_\_\_\_