

GENERAL OPERATING MANUAL  
FOR  
HOLLY SPRINGS CEMETERY

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#### AUTHORITY TO OPERATE:

The cemetery shall operate under the authority of the Board of Directors elected pursuant to the bylaws of the cemetery organization. The directors may designate an individual to serve as caretaker or managing director who shall implement these rules and oversee the operations of the cemetery in the interim periods between meetings of the directors.

#### OPERATIONAL RULES:

For Purposes of this Manual, words shall be defined pursuant to the provisions of Texas law and as fully set forth in Appendix A attached hereto. Specific definitions for the following words and phrases are included in the definitions set forth in Appendix A: Cemetery; Cemetery organization; Cemetery purpose; Directors; Grave; Entombment; Interment; Inurnment; Non-perpetual care cemetery; Perpetual care cemetery; Plot; Plot owner; and Remains.

#### BURIAL TRANSIT PERMIT:

Acceptance of remains for burial from a place outside of this state shall be governed by Section 193.008 of Vernon's Texas Codes Annotated, Health and Safety Code, Part I, Titles 1 to 5.

#### BURIAL RECORDS AND RECORDS OF INTERMENT:

The Board of Directors shall be responsible for compliance with Section 711.003 of Texas Health and Safety Code Title 8 Subtitle C, Chapter 711, relative to records of interments. The Board shall keep a record, open to official inspection at all times, of the bodies interred or otherwise disposed of on the premises, including the decedent's name and age if those facts can be obtained, place of death, date of interment, name and address of the funeral director, and other information required by the state registrar. Further, a record shall be kept of each interment including date the remains are received and the identity of the plot in which the remains are interred.

#### DISPOSITION OF REMAINS:

The priority of persons having the right to control the disposition of a decedent's remains shall be governed by Section 711.002, Texas Health and Safety Code Title 8, Subtitle C, Chapter 711. Generally, unless the decedent has left other directions, the following persons, in the priority listed, have the right to control the disposition, including cremation, of the person's remains, shall inter the remains, and are liable for the cost of interment: (1) the surviving spouse; (2) the decedent's surviving adult children; (3) the decedent's surviving parents; (4) the decedent's surviving adult siblings; or (5) the adult person in the next degree of kinship entitled to inherit the estate of the decedent.

#### REMOVAL OF REMAINS AND DISINERMENT:

Removal of remains shall be governed by Section 711.004 of Texas Health and Safety Code, Title 8, Subtitle C, Chapter 711 and Chapter 49, Code of Criminal Procedure. Removal shall be with the consent of the cemetery organization and its directors, with the written consent of the plot owners, and with the consent of the persons named in priority with control over the right of disposition of remains as set forth in the preceding section of this manual.

#### SUBDIVISION OF CEMETERY PROPERTY:

The directors shall divide the cemetery property into lots and subdivisions for cemetery purposes. The directors shall recognize existing lots and subdivisions within the cemetery property. The directors may divide unused portions of the cemetery as appropriate for future use of the cemetery. The directors may designate portions of the cemetery grounds for use for parking, for luncheon or meeting areas, for park areas, and for burial areas.

#### MASTER PLAT:

The directors shall create a master plat for the cemetery grounds pursuant to Section 711.034, of Texas Health and Safety Code, Title 8, Subtitle c, Chapter 711. Further, the master plat shall set forth designated parking areas, public use areas for picnic grounds and park areas, a memorial or tabernacle area, and burial area(s).

The effect of dedication and restrictions placed on any change of purpose shall be governed by Section 711.035, of Texas Health and Safety Code, Title 8, Subtitle C, Chapter 711.

#### ASSESSMENTS:

The directors may charge assessments on the use of property for the purposes of general improvement and maintenance. The directors may not charge assessments as to burial spaces which are used at the time of the platting of the cemetery grounds. Nor shall the directors charge assessments of individuals who are unable to pay assessments after their purchase of a lot in the cemetery.

PRICE SCHEDULE:

The directors shall adopt a price schedule for the sale of burial spaces and shall assign a portion of the funds derived from the sale of lots for cemetery operations and maintenance. The sale of plots by the cemetery organization shall be governed by Section 711.038, of Texas Health and Safety Code, Title 8, Subtitle C, Chapter 711, requiring the conveyance to be signed by the president or vice-president of the organization and the secretary or another officer of the organization.

ACQUISITION OF TITLE:

Only Human Beings shall be permitted to acquire title to interment rights or be possessed of any plot or plots and such plot or plots shall be used for no other purpose than the burial of the Human dead.

RIGHTS OF INTERMENT IN PLOT:

The grantee of a conveyance from the organization shall have title to the cemetery plot subject to the right of a surviving spouse to interment in the adjoining plot when two spaces have been conveyed. The rights of other family members in the event of any dispute shall be governed as the owner may direct in writing filed and recorded in the office of the cemetery organization or as may be expressly set forth in the decedent owner's will. In the event of no directions, the rights of other family members shall be governed by law as set forth in Section 711.039, of Texas Health and Safety Code, Title 8, Subtitle C, Chapter 711.

MULTIPLE OWNERS OF PLOT:

Two or more owners of a plot may designate a person to represent the plot by filing notice with the cemetery organization. If notice is not filed, the cemetery organization may inter or permit interment in the plot at the request or direction of a registered co-owner of the plot.

DEPTH OF GRAVE:

The depth of a grave shall be governed by Section 714.001, of Texas Health and Safety Code, Title 8, Subtitle C, Chapter 711. The outside top surface of the container must be at least two feet below the surface of the ground if the container is not made of an impermeable material; or not less than one and one-half feet below the surface of the ground if the container is made of an impermeable material. Cremation container shall meet the preceding depth requirements.

STACKING OF CASKETS

Holly Springs Cemetery does not allow stacking of caskets.

#### DISCRIMINATION:

No rules set forth herein or that may be adopted in the future shall prohibit interment because of the race, color, religion, or national origin of a decedent.

#### FUNERAL REGULATIONS:

Funerals, after entering the gates of the cemetery, shall be subject to the direction of the Board of Directors elected by the members of the cemetery organization.

#### MEMORIALS:

Only one grave memorial shall be permitted on one grave space except a companion or a family memorial. All memorials shall be set on uniform lines as prescribed by the cemetery organization, to conform to the general plan of the cemetery. Foot stones will be allowed as part of the memorial.

If any memorial, or any structure whatsoever, or any inscription placed or to be placed on a memorial or structure, shall be determined by the cemetery organization to be offensive, the organization shall have the right and it shall be its duty, to enter upon such plot and remove, change or correct the offensive or improper object(s) or language at the expense of the owner.

#### MAINTENANCE OF CEMETERY GROUNDS:

The cemetery organization shall direct generally all improvements within the grounds and upon all plots and graves, before as well as after interments have been made therein. The organization shall have charge of the planting, sodding, surveying and improvements generally. All such action shall be taken by the directors as the representatives of the organization membership.

No one other than the proper officers of the organization or their agents shall be allowed to perform any work on any grave or lot within the grounds without a permit from the organization or its officers.

If any tree, shrub, or plant standing upon any lot by means of its roots, branches, or otherwise, shall be or become detrimental to adjacent plots or avenues, or if for any reason its removal is deemed necessary by the directors, the directors shall have the right and it shall be its duty to remove such tree, shrub, or plant, or any part thereof, or otherwise correct the detrimental condition existing as the board of directors in its judgment deems best. No trees or shrubs shall be placed on plots located in the Reece or Nixon Sections of the cemetery.

Disposable holders containing flowers or other decorations will be removed as soon as the flowers or decorations wither and/or fade and the right is reserved by the cemetery organization to make such removal through the direction of the cemetery caretaker appointed by the board of directors of the cemetery organization.

#### USE OF CEMETERY FOR GATHERINGS:

Families which are interested in the cemetery may hold reunions or other gatherings during daylight hours on the cemetery grounds in the areas dedicated for such public use, including holding picnics. Such meetings shall be under the supervision of the cemetery caretaker and shall conform to accepted standards for taste and decorum. Proper respect for the burial areas shall be maintained or the group shall be asked to leave the cemetery grounds. No alcoholic beverages shall be permitted upon the cemetery grounds. No fees will be charged for the use of the cemetery park areas for such gatherings.

#### GENERAL REGULATIONS:

The hours of operation of the cemetery grounds are between the time of sunrise and sunset. Any unauthorized person found on the grounds after sunset shall be deemed a trespasser subject to prosecution for trespass.

Due to the historical nature of the Holly Springs Cemetery, a cemetery Board member will determine, based on location, whether the grave(s) must be dug by hand to prevent any damage due to the use of heavy equipment.

The Board shall have the authority to enter upon any plot and to remove any objectionable item that may have been placed there contrary to the regulations of the organization, subject to the discretion and acting at the direction of the board of directors of the cemetery organization.

No person shall be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.

All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules.

AMENDMENT OF RULES:

This manual and the rules and regulations set forth herein may be amended, altered, and/or repealed and new rules adopted at any time by the Board of Directors of the cemetery organization, subject to compliance with applicable laws. The members of the cemetery organization reserve the right to amend, alter, repeal or adopt new rules at the annual meeting of the organization. The general business, management, control, and operation of the cemetery is vested in the directors elected by the members of the cemetery organization pursuant to the bylaws.

Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. The Board of Directors shall have the right, without notice, to make exceptions, suspensions, or modifications in any of the rules and regulations, when the same appears advisable. Any such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these rules and shall be permitted only as specifically allowed and approved by a majority of the Board of Directors of the Cemetery Organization.

This operations manual containing the rules and regulations for the operation of the Holly Springs Cemetery of Van Zandt County, Texas adopted by majority vote of the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Witness the hands of the officers and directors of the Holly Springs Cemetery Organization this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

ATTEST:

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director



APPENDIX A  
Definitions

Definitions as Set Forth under Section 711.001, Vernon's Texas Codes Annotated, Health and Safety Code, Part II, Title 6 to End.

- (1) "Burial Park" means a tract of land that is used or intended to be used for interment in graves.
- (2) "Cemetery" means a place that is used or intended to be used for interment, and includes a graveyard, burial park, or mausoleum.
- (3) "Cemetery organization" means: (A) an unincorporated association of plot owners not operated for profit that is authorized by its articles of association to conduct a business for cemetery purposes; or (B) a corporation, either for profit or not for profit, that is authorized by its articles of incorporation to conduct a business for cemetery purposes.
- (4) "Cemetery purpose" means a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery property.
- (5) "Columbarium" means a durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated remains.
- (6) "Cremated remains" means the bone fragments remaining after the cremation process, which may include the residue of any foreign materials that were cremated with the human remains.
- (7) "Cremation" means the irreversible process of reducing human remains to bone fragments through extreme heat and evaporation, which may include the processing or the pulverization of bone fragments.
- (8) "Crematory" means a structure containing a furnace used or intended to be used for the cremation of human remains.
- (9) "Crematory and columbarium" means a durable fireproof structure containing both a crematory and columbarium.
- (10) "Crypt" means a chamber in a mausoleum of sufficient size to inter human remains.
- (11) "Directors" means the governing body of a cemetery association.
- (12) "Entombment" means interment in a crypt.
- (13) "Funeral establishment" means a place of business used in the care and preparation for interment or transportation of human remains, or any place where one or more persons, either as sole owner, in copartnership, or through corporate status, are engaged or represent themselves to be engaged in the business of embalming or funeral directing.
- (14) "Grave" means a space of ground that is in a burial park and that is used or intended to be used for interment in the ground.
- (15) "Human remains" means the body of a decedent.
- (16) "Interment" means the permanent disposition of remains or cremains by entombment, burial, or placement in a niche.

- (17) "Interment right" means the right to inter the remains of one decedent in a plot.
- (18) "Inurnment" means the placement of cremated remains in an urn.
- (19) "Lawn crypt" means a subsurface receptacle installed in multiple units for ground burial of human remains.
- (20) "Mausoleum" means a durable, fireproof structure used or intended to be used for entombment.
- (21) "Niche" means a space in a columbarium used or intended to be used for the placement of cremated remains in an urn or other container.
- (22) "Non-perpetual care cemetery" means a cemetery that is not a perpetual care cemetery.
- (23) "Perpetual care" or "endowment care" means the maintenance, repair, and care of all places in the cemetery.
- (24) "Perpetual care cemetery" or "endowment care cemetery" means a cemetery for the benefit of which a perpetual care fund is established as provided by Chapter 712.
- (25) "Plot" means a space in a cemetery owned by an individual or organization that is used or intended to be used for interment, including a grave or adjoining graves, a crypt or adjoining crypts, a lawn crypt or adjoining lawn crypts, or a niche or adjoining niches.
- (26) "Plot owner" means a person in whose name a plot is listed in a cemetery organization's office as the owner.
- (27) "Stacking" means burying one casket on top of the other in the same grave.