

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF LLANO

§

§

THAT, WHEREAS, a certain tract and parcel of land near the town of Bluffton, Llano County, Texas, commonly known referred to as the Bluffton Cemetery, and used for cemetery purposes for many years; and this cemetery, the Bluffton Cemetery (henceforth known as the Cemetery) is governed by the Bluffton Cemetery Association (henceforth known as the Association), chartered by the State of Texas the first week of October, 1930.

WHEREWITH the Association shall meet annually on the first Saturday in October. Actions affecting the Association shall be enacted or disapproved by the majority vote of those in attendance.

WHEREWITH the leadership of the Association is as follows:

1. A committee of three persons interested in the Cemetery is hereby created, some of each of whom shall serve as trustees of the Association, and each shall serve until their successors are appointed as herein-after provided. Any vacancy on said committee created by death, disability or failure or refusal to act or serve, shall be filled by appointment by the remaining trustees.
2. The trustees of the Association shall be elected by a majority vote of the members of the Association in attendance on the First Saturday in October in the manner following: One (1) director shall be elected for a term of three (3) years, so that the term of each such director shall be a staggered term. Officers for the Association shall be selected from the Board of Trustees currently in office. The trustees so elected shall select from among their number a President of the Association, a vice-president of the Association, and shall select a Secretary/Treasurer to the Association. It shall not be required that the Secretary/Treasurer so selected be a trustee.
3. The trustees shall have and are hereby given absolute and complete authority, power and control over the money, funds and property of this Association, and the use, investment and expenditures thereof, subject to the limitations set out in the following paragraphs.

WHEREAS, money, funds and property have, from time to time, been obtained and placed in the possession, custody and control of the Association for the use, maintenance, management, operation, upkeep and beautification of the Cemetery; and

WHEREAS, the undersigned duly elected trustees of the Association are of the opinion that a definite plan and arrangement should be made for the future use and employment of said money, funds and property, and to perfect and create an appropriate plan and form of organization to receive and use any additional money, funds and property that may be donated and given in the future for such cemetery purposes; and

WHEREAS, such money, funds and property heretofore donated and contributed and to be donated and contributed unto the future under the terms hereof, constitute trust and maintenance funds, as hereinafter provided.

NOW THEREFORE, the undersigned trustees of the Association do hereby, by this declaration and agreement, for themselves, and for their successor trustees, in trust and as trustees, do hold and possess said money, funds and property upon the following terms, conditions and provisions, to-wit;

1. Money and funds shall be invested by such trustees into Trust funds; and the income wherefrom or so much thereof as said trustees consider necessary and proper, shall be placed into the Association's working/maintenance fund account(s) and shall be used for the maintenance, management, operation, upkeep and beautification of the Cemetery.

Initials NC NC CH CH AH AH

2. The capital funds and property represented by money, funds and property now being a part of the Association Trust Funds may be increased or added to by contributions or donations of anyone interested in the Cemetery.
3. Donations received by the Association shall be placed in the Association's working/maintenance fund account(s). Trustees may transfer funds from the working/maintenance fund account(s) to the Association Trust Funds if the working/maintenance fund account(s) grow to a point that excess funds can be better utilized in the Trust funds.
4. Should donations diminish to the point that the working/maintenance fund account(s) are insufficient for the proper maintenance and upkeep of the Cemetery; such funds as necessary may be transferred from the Association Trust Funds to the working/maintenance fund account(s).

WHEREAS, the parcel of land known as the Bluffton Cemetery, was purchased by the developer Emery, Peck, and Rockwood Development Company, and title to the land was conveyed to the Bluffton Cemetery Association on October 25, 1930, for the use as a cemetery; usage shall be subject to the following provisions

1. Authority
 - a. All authority for use of the plots and lands making up the Bluffton Cemetery is given to the Bluffton Cemetery Association.
 - b. **NO ACTIVITY within the Cemetery may be conducted without the direct consent and approval of the Board of Trustees of the Association.**
 - c. **Any individual, business, or other entity that fails to follow the requirements of a. and b. above are subject to the repair/restoration to the Cemetery at their expense.**
2. Ownership
 - a. All lands remain the property of the Bluffton Cemetery Association.
 - b. In the past individual plots have been gifted to individuals through assignment by the Association. Since about 1990, due to the need to to raise funds for the maintenance of the Cemetery, a donation is required for assignment of a plot, or plots. The current donation amount is \$600 per plot. This amount may be changed by recommendation of the Board of Trustees to the overall body of the Association at the annual business meeting, and subsequent approval by the Association.
 - c. **Plots, being the property of the Association, may not be sold.** If a donation was given to the Association for the assignment of a plot, or plots; and the patron no longer has need of said plot(s), the Association shall refund the patron the original amount of the donation - the rights to the plots shall be returned to the Association; or the patron may return the plots to the Association at no cost to the Association, if so desired.
 - d. **Plots gifted by the Association** at no charge to the recipient(s), were assigned for the recipient(s) and their direct descendants.
 - i. These plots **may not be sold.**
 - ii. Assignment to distant descendants or others must be approved by the Trustees.
 - e. Plots only remain the property of those gifted or those assigned as long as these recipients maintain a current means of contact with the Association.
 - i. Any gifted/assigned lots/plots that have not had any activity for fifty (50) years from the date of the gift/assignment transaction, and for which no contact information is available, will be reclaimed by the Association for reassignment.
 - f. Patrons are encouraged to assign usage plans for unassigned plots. The Association will actively review plots that have been issued, but not assigned for many years; for possible reclamation by the Association.
3. Burials/Monument Placements
 - a. **At time of death a burial fee of \$50 will be assessed to cover the Association's expenses for the burial. This will consist of verifying burial information, securing burial information, and sending the responsible party copies of the current Association bylaws.**

Initials NC NC CH CA AH CA

- b. Information about the deceased to be buried must be provided for the permanent records of the Association prior to burial. This includes complete contact information for the responsible party for the burial.
 - c. Verification of plot assignment must be made prior to any burial.
 - d. Any grave opening, monument placement, burial of cremated remains, or any other activity affecting the Cemetery must be done with the direct approval of the Board of Trustees and must be surveyed and marked by a member of the Board of Trustees. Contact information for the trustees is available from the Entrance Sign at the entrance to the Cemetery; a list of contact information that is posted in the display case located in the chapel of the Cemetery; and contact information that is posted on the Internet website <http://www.blufftoncemetery.org>.
 - e. The gravesite of anyone buried in the Cemetery must be marked with a permanent headstone. This marker must be constructed of stone such as granite or marble.
 - i. At the time of burial, if no arrangement has been made for a permanent marker, the Board of Trustees may require an Escrow amount in the amount of \$200 before burial is allowed. Any Escrow amounts assessed will be refunded to the responsible party upon the installation of a permanent marker.
 - ii. If no monument is placed at a burial site within eighteen (18) months of the burial, the Association will have a flat marker made, 12" x 18", with the person's name, birth, and death dates. The responsible party at the time of burial will be billed for the amount of the marker, less any Escrow amount, thus reimbursing the Association.
 - iii. If a burial occurs where there is an existing monument, the death date must be placed on the stone within one (1) year of the burial. If this must be done by the Association, the responsible party at the time of burial will be billed for the amount of the inscription, thus reimbursing the Association.
 - f. Cremated Remains Burials.
 - i. Cremated Remains will be treated in the same manner as standard/traditional burials.
 - ii. Records will be maintained for Cremated Remains, see 3.a.b., above.
 - iii. Cremated Remains may be placed in an unoccupied plot, or an occupied plot of a spouse or family member. Approval by the controlling family / party(s) of said plot, and the Association Board of Trustees, must be granted prior to any cremated remains being buried. A member of the Association Board of Trustees must witness all cremated remains burials. Burials are limited to two (2) individuals in a single plot.
 - iv. Cremated Remains may not be "scattered" on multiple plots or other areas of the Bluffton Cemetery.
 - v. A permanent marker must be placed at the plot where cremated remains are buried, subject to the same requirements of 3.e., above, and 4.a., below.
4. Monuments/Curbing
- a. Monuments must be placed at the head, or foot of a plot with the wording facing the east.
 - b. Curbing cannot exceed one (1) inch in height above ground level and requires the approval of the Cemetery Board of Trustees prior to installation.
 - c. No new ornamental rock and/or similar materials are allowed as grave surfaces. Any lot or plot containing ornamental rock that is not being properly maintained by subject family or responsible party(s), will be back-filled as deemed necessary, with materials available to the Association at that time. Any non-permanent curbing that is not being properly maintained by subject family or responsible party(s), will be removed as deemed necessary by the Association.
 - d. Benches are not allowed on the Cemetery grounds. Existing benches will be removed. Tombstones, which are configured as benches, will be allowed as long as they are made of stone such as granite or marble and are placed on a rectangular stone base, large enough to encompass the entire tombstone/bench, as is standard for standard tombstones, and are placed at the head of the grave in the position of a normal tombstone. The tombstone/bench must fit within the boundaries of the grave where they are to be placed. The base is necessary so that mowing can be accomplished without having to mow under the middle of the tombstone/bench. Benches, not specifically designed as a tombstone, will not be allowed.

Initials NC NC CH CH AH AH

5. Maintenance

- a. Maintenance shall be provided and supervised by the Board of Trustees. Funds may be used from the working/maintenance fund account(s) of the Association.
- b. No ornamental decorations and/or flowers shall be placed on a grave except in the immediate area and/or directly adjacent to the headstone. Ornamental decorations and/or flowers placed in locations other than as noted above will be removed by the Association trustees. Ornamental decorations, and/or flowers, flags or other objects must not be removed from other graves for use on another person's grave.
- c. No glass containers, or other breakable containers, may be used to decorate a grave, or be left in the cemetery.
- d. Nothing herein shall be construed as preventing or intended to prevent any person having relatives interred in the Cemetery from improving, at their own expense, or making special arrangements for the care, improvement and beautification of graves, burial plots and markers connected with their immediate family, and the trustees are enjoined to cooperate with any person or persons desiring so to do, subject to these bylaws.

THESE ASCRIBED BYLAWS as adopted by the Bluffton Cemetery Association at its annual meeting on October 6, 2018; are so adopted as the legal basis for the operation and functioning of the Bluffton Cemetery and the Bluffton Cemetery Association that is its governing body. Any previous bylaws are henceforth no longer in effect and are null and void.

WITNESS our hands this the 6TH day of OCTOBER, 2018.

BLUFFTON CEMETERY ASSOCIATION
BOARD OF TRUSTEES

Nancy Chism
Nancy Chism

Clay Hallmark
Clay Hallmark

Alfred Hallmark
Alfred Hallmark



Initials NC NC CH CH AH AH