

# *Saint Agnes Cemetery Association*

*Office: 106 North 2<sup>nd</sup> Avenue East, Ashland, WI 54806*

*Phone: 715-682-7620*

Dated this 30th day of September 2021

## RULES AND REGULATIONS

### Conveyance and Descent of Lots

Upon the death of the owner of a lot, an affidavit must be filed in the office of the Clerk of the Cemetery Association, signed by one of the heirs-at-law, as determined by the then-existing laws of the State of Wisconsin, and in the case of minors, by their guardian. Such affidavit must include a list of the names of all the heirs, and a majority of said heirs must designate one of said heirs (or, if minors, the guardian of one of them), who shall be authorized by sign for internments, and give other needful directions regarding the lot. If no such affidavit on the part of the heirs-at-law shall be filed as required, the association may designate one of the heirs, their guardian, or a duly appointed personal representative or administrator, to so act, and thereby prevent misunderstanding regarding ownership and control of the lot.

While any person is buried in a cemetery lot, that lot shall be inalienable. On the death of the owner of any cemetery lot, ownership shall descend to the owner's heirs, but any one or more such heirs may convey his or her interest in the cemetery lot. No person shall be buried in a cemetery lot except that person having an interest in the lot, a spouse, or other relative of that person, except by consent of all persons having an interest in the cemetery lot.

## ASSESSMENTS AND PERPETUAL CARE

Sec. 157.11 (7), Wis. Stats., 1992.

- (a) Included in the cost of the grave is perpetual care at a rate of 15% required by Wisconsin State Law. This is non-refundable. Any grave bought back by the cemetery association will not include perpetual care. You will receive only the cost of the grave.
- (b) The (Association) may annually assess upon the cemetery lots amounts not to exceed the amounts reasonably required for actual and necessary costs for cleaning and care of the cemetery lots and care and improvement of the cemetery. Notice of the assessment, along with a copy of this section shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last known post office address, directing payment to the Clerk within 30 days and specifying that such assessments are a personal liability of the owner or person.
- (c) The Association may fix and determine the sum reasonably necessary for the care of the grave or cemetery lot in reasonable and uniform amounts, which amounts shall be subject to the approval of the court, and may collect those amounts as part of the funeral expenses.
- (d) Before ordering the distribution of the estate of a deceased person, the court shall order paid any assessment under this section, or the sum so fixed for the care of the cemetery lot or grave of the deceased.
- (e) When uniform care of a cemetery lot has been given for two consecutive years or more, for which assessments are unpaid after notice as provided in sub. (2), right to burial is forfeited until delinquent assessments are paid. When uniform care has been given for five consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the [Association] and may be sold, the payment of principal to be deposited into the care fund. Before depositing the payment of principal into the care fund, the [Association] may retain an amount necessary to cover the [Association's] administrative and other expenses related to the sale, but the amount retained may not exceed 50% of the proceeds.

Perpetual care as used in this Contract includes grass cutting, filling sunken graves, removing refuse from lots, raking and cleaning the grounds. Such Perpetual Care does not mean maintenance, repair or replacement of any memorial placed upon the lots, nor the doing of any special or unusual work in the cemetery such as reconstruction of monuments or concrete work. Such additional care, if desired, can be arranged with the Association. No one will be allowed to place monuments or markers on graves or lots if there is any payment due on the lot. No burials will be allowed if assessments are unpaid.

## FOUNDATIONS

Upright memorials on individual graves are considered monuments and shall be set in proper foundations according to regulations, at the head of the grave. Flat memorials are considered markers and likewise shall be set in foundations flush with the ground at the foot of the grave. Footstones on graves already on lots at the time of the enactment of these rules shall be sunk flush with the ground. Foundation work will be done by the cemetery and charge will be made for the same. No upright marker (monument) of any kind shall be placed in Blocks 43, 44, 48, New Baby Land, Old Baby Land, or old Veterans section of Block 23 (lots 15, 16, 17, and 18) (Old Garage site). The minimum requirement to set an upright monument is the purchase of two (2) grave sites side by side. Monuments can be installed, except in the aforementioned blocks, lots or sections. One monument per family lot will be allowed.

## TREES, SHRUBS, AND PLANTS

Owners of lots are not permitted to plant flowers, shrubs, or trees on graves or property adjacent to graves. All trees, shrubs, and plants shall be planted, trimmed, or cut down, and cared for by the Sexton, and he or she shall have the right and duty to remove same whenever deemed necessary. All artificial flowers or wreaths, or anything that sets on the lot with wire or rods shall be removed by the end of September.

Permission must be obtained from the Office for opening graves.