

# **WETMORE COMMUNITY CEMETERY**

Founded June 17, 1886

Incorporated February 25, 1987

## **REVISED BY-LAWS**

Effective August 20, 2005

## **DEDICATION**

**These By-Laws are dedicated to those who have served as officers, directors, benefactors, and caretakers of the Wetmore Community Cemetery.**

## **PRAYER**

**We the descendents and owners of plots thank our ancestors and pray we may be as successful and diligent as they were for more than a century. Amen!**

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# **Wetmore Community Cemetery Inc.**

## **History**

Real property consisting of about two- and one-half acres, known as Rudolph and Fredrecca Stahl donated Wetmore Community Cemetery on June 17, 1886, to the Seay Graveyard Association, for burials. Seay eventually became the Wetmore Community Cemetery, which after many years, was incorporated February 25, 1987, by Harry H. Eisenhauer, Melvin Heimer, Fritz Heitkamp, Lorene Heitkamp, Frank Marchwardt, Leslie Steubing, Alton Wahl, lot owners, surviving relatives and beneficiaries of the interred. Their intent was to set up the maintenance and care with longevity. Wetmore Community Cemetery Incorporation's purpose is to sell the available lots, manage affairs, make improvements, regulate gravesite rules, assess dues, collect dues, receive donations, oversee financial affairs, and maintain the confines and boundaries of the Wetmore Community Cemetery.

## **Location**

The Wetmore Community Cemetery is located at 15041 Higgins Road, San Antonio, TX 78217, between the intersection of Stahl Road and N. Stahl Pkwy. Near the geographic location of the historic, Old San Antonio Road, whose pioneer travelers destined this location for a Cemetery, by those pioneer burials then and more have continued over a century.

## **Mailing Address**

All mail correspondence will be sent to the secretary, or designated officer or Post Office address, agreed upon by majority vote of the Board of Directors. Such voted mail recipient and any mail received by any officer(s) or board members share the mail contents with all Officers and Board of Directors.

## **Mission Statement**

Wetmore Community Cemetery Incorporated members mission is to maintain and protect the appearance and financial condition of their own lots, ancestors' gravesites, their bequest, and the remaining area, in a manner that will make the majority of its membership and community proud of this Cemetery, ensuring the future of this Cemetery, in a frugal and responsible unified attitude.

# Wetmore Community Cemetery By-Laws

## DEFINITIONS

The following definitions are compiled from the statutes relating to Cemeteries in the Texas Statutes, Health and Safety Chapters 711.01, 712.01, 714.003 and 715.001, Texas State Vernon's Civil Statutes (especially – Title 32 and Article 1396 "Corporations") Webster's 9<sup>th</sup> Collegiate Dictionary, Elected Officer's and the Board of Directors. The Elected Board of Directors signing this legal document and the active voting members are the authors of these By-Laws. Only these definitions of words and phrases are applicable wherever used in the By-Laws of Wetmore Community Cemetery Incorporated. Definitions found elsewhere do not apply to these By-Laws.

**By-Laws** means the code or codes of rules adopted for the regulation or management of the Corporation, irrespective to the name or names by which such rules are designated.

**Board of Directors** means the group of persons vested with the management of the affairs of the Corporation, irrespective of the name by which such group is designated.

**Casket** means wooden or metal type box container normally used for the interment of humans. It may not be homemade or made of cardboard or of any material other than stated, unless approved by the Board of Directors, majority vote.

**Casket vault** means concrete or metal box type container normally used to place the casket in at the time of burial. Such vault must meet all the requirements of all governing bodies laws, which are duly charged with such responsibility. Such approved vault must be purchased from a licensed business engaged in the pursuit full-time. It may not be custom or homemade or be replaced by any other methods of containment. (Also see liner.)

**Cemetery**, a place that is used or intended to be used for interment of human beings, and includes any called graveyard, burial park, or mausoleum.

**Cemetery Organization** means Wetmore Community Cemetery Incorporated, not for profit, which is authorized by its articles of incorporation to conduct business for Cemetery purposes.

**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.

**Christian**, for our purposes is one who professes belief in the teachings of Jesus Christ based solely on the sacred scriptures of the Holy Bible and professed by the Roman Catholic and Protestant church bodies, conforming to the Christian belief.

**Committee** means a director and two or more members of the organization that have been appointed by the President of that organization, perform a task or tasks requiring more resources and/or expertise than is available to the Board of Directors.

**Cremation** means the irreversible process of reducing human remains to bone fragments through extreme heat and evaporation, which may include the processing and pulverization of bone fragments.

**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.

**Crematory** means a facility designed to incinerate human remains for the cremation process.

Transportation of human remains, or any place where one or more persons, either as sole owner, in the co-partnership, or through corporate status, are engaged or represent themselves to be engaged in the business of embalming or funeral directing.

## **DEFINITIONS (Continued) (Addendum \*effective 2008)**

**Deceased** means a human being that has been declared dead and evidenced by a legally issued death certificate.

**Decedent**, the human body of the deceased.

**Directors** means the governing body of a cemetery organization.

**Director** means an individual member of the governing body of a cemetery organization.

**\*Embalm**, *a treatment of deceased remains performed by a mortician licensed by the State of Texas.*

**Funeral establishment** means a place of business used in the care preparation for interment of the deceased, and often services for the deceased family.

**Gravesite** means a space at ground level that is in a Cemetery and that is used or intended to be used for interment in the ground. (Note: Wetmore Community Cemetery gravesites are about five (5) feet by ten (10) feet in surface dimension.)

**Human remains** means the body of a decedent.

**Interment** means the permanent disposition of remains by entombment, burial, or placement in a niche. (Note: Wetmore Community Cemetery allows only one interment per gravesite. No stacking.)

**Joint ownership** means two or more persons that have purchased and paid in full, or that has been legally appointed guardian, or by bequest through legal court proceedings is responsible for all financial debt and control of such gravesite or plot(s).

**Liner** is constructed of various types of materials used to line the grave, which the casket will be placed into at time of burial. Not as good as a vault. (see casket vault)

**Member** means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or its By-Laws.

**Active member** means a living person having membership rights in a corporation in accordance with the provisions of its articles of incorporation or its By-Laws and all assessments paid in full. Also, participates routinely as benefactor of the cemetery by attending meetings, participating in workdays and demonstrating no hostilities to any other members.

**Mausoleum** means any above ground level structure normally used for interment.

**Non-Profit Corporation** is the equivalent of a "Not for Profit Corporation" and means a corporation no part of the income of which is distributable to its members, directors, or officers.

**Ownership** means a person that has purchased and has paid in full for one or more plots or been appointed legally guardian or bequeathed through legal court methods, to be responsible for financial debt and control of such gravesite or plot(s).

**Perpetual Care** or, "endowment care" means the maintenance, repair, and care of all places in the cemetery. It does not include gravesites, curbing, monuments, and other property not owned by the organization.

**Plot** means a grave space designated for burial in a cemetery that has been used to inter human remains. Normally about five (5) feet by ten (10) feet in area at this Cemetery.

**Plot owner** means a person:

(A) In whose name a plot is listed in a cemetery organization's office as the owner of the right of sepulture (burial); or

(B) Who holds, from a cemetery organization, a certificate of ownership or other instrument of conveyance of the exclusive right of sepulture (burial) in a particular plot in the organization's cemetery.

**President** means that elected officer designated as "President" in the articles of incorporation or By-Laws of this corporation, to perform the functions of the principal executive officer, irrespective of the name by which he or she may be designated.

## DEFINITIONS (Continued)

**Deceased** means a human being that has been declared dead and evidenced by a legally issued death certificate.

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## DEFINITIONS (Continued)

**Private Cemetery** means a cemetery that is not owned or operated by the United States, this state or a political subdivision of this state, but is owned and operated by a non-profit organization.

**Quorum** means the number of voting members, including proxies if any, required to bring a meeting into session legally and/or vote on any business.

**Remains** means either embalmed deceased human body or cremated deceased human body.

**Ratify** means to approve or sanction formally by majority vote of a quorum of active members at an annual or special meeting.

**Secretary** means that officer designated as “Secretary” in the articles of incorporation or the By-Laws incorporation, the By-Laws, or otherwise, to perform the functions of Secretary, irrespective of the name by which he, or she, may be designated.

**Sepulture** means to place in a grave. (Burial)

**Sergeant of Arms** means that elected officer designated as Sergeant of Arms in the organization By-Laws, primarily charged with all the duties of such office at meetings, burials and any time deemed to be necessary by a member(s) of the Board of Directors.

**Tangible Personal Property** means items that you can feel, touch and see, and is not attached to real property.

**Treasurer** means that elected officer designated as “Treasurer” in the articles of incorporation or the By-Laws of a corporation, or that officer or committee of persons authorized, in the articles of incorporation, the By-Laws, or otherwise, to perform the functions of a Treasurer, irrespective of the name by which he, or she, may be designated.

**Vault**, same as casket vault, defined before

**Vice President** means that elected officer designated as “Vice President” in the articles of incorporation or the By-Laws of a corporation, or that officer or committee of persons authorized, in the articles of incorporation, the By-Laws, or otherwise, to perform the duties of the President upon the death, absence, or resignation of the President or upon his inability to perform the duties of his office, irrespective of the name by which he, or she, may be designated.

**WCCI**, abbreviated name for Wetmore Community Cemetery Incorporated.



# **Wetmore Community Cemetery Inc. By-Laws**

## **Article One - Organization**

1.01 The name of this organization shall be Wetmore Community Cemetery Incorporated. Hereafter also known as WWCI. It is a non-profit maintenance care cemetery. Owned and operated exclusively for the benefit of the cemetery and not for profit

1.02 The organizations now have a seal that shall be in the following form:

“Only Official Seal of WCCI”

1.03 The organization may at its pleasure by the majority vote of the membership quorum change its name.

1.04 The organization anniversary date is February 25<sup>th</sup> of each year.

1.05 The organization’s fiscal year for accounting purposes is March 1 thru the last day of February of the next consecutive year.

## **Article Two - Purposes**

2.01 The following purposes are for which this organization has been organized to perform:

(A) Perform all the purposes of this non-profit corporation without disbursing any revenue to its members, directors or officers. No part of the net earnings of this organization may ever benefit any member, officer or director of this organization any time. No person may have any interest in the net earnings of this non-profit organization. (Ref: Art. 557 IRS)

(B) To make policy decisions, direct, manage, operate and strive to maintain the continued viable existence of the cemetery; and

(C) To sell burial cemetery plots in said cemetery; and

(D) To maintain grounds and make improvements to areas within the boundaries of the Wetmore Community Cemetery, that are not owned by its member(s); and

(E) To assess and collect dues and to accept donations for maintenance of and improvements to said cemetery tract; and

(F) To make all disbursements for labor and materials necessary and proper to implement the aforesaid purposes; and

(G) Make no disbursements until completion and use of currently acceptable general accounting rules and practices which are acceptable to all the governmental agencies with any auditing authority. Especially the documentation requirements, for receipts and expenditures of all transactions; and

(H) Provide adequate care which will not endanger the cemetery of ever being reclaimed by any governing body, that may thereby cause any interments to be removed to another cemetery; and

(I) Never engage in the mortuary business any manner; and

(J) Wetmore Community Cemetery Inc. is not responsible for any maintenance or improvement of any of the gravesites/lots/plots owned, gifted, transferred and or sold by the organization or anyone else. Nothing herein shall be construed to hold the Wetmore Community Cemetery Incorporated liable or responsible to owners of plots for maintenance, deterioration, any damaged by any acts of nature; or humans; or beast; including all types of vandalism to the gravesite, the monument, plaque, and/or curbing. Plot owners or their descendents are fully responsible for, gravesite/plot maintenance and appearance.

## **Article Two - Purposes (Continued)**

2.02 To comply with and follow all applicable laws enforced by Federal, State of Texas, Bexar County, and Local Laws.

2.03 However, it is **not** the purpose of this WCCI, organization to operate as a Funeral Establishment, Crematory and/or sell tangible personal property, commonly sold or rented by such establishments. (This includes, but is not limited to any sale of caskets, liners vaults, monuments, markers, funeral tents, funeral chairs, graveside benches, grave digging, grave closure, make improvements to gravesites, curbing, leveling, and so on.)

2.04 Records must be maintained by the Secretary and Treasurer, under the direction of the President and applicable Federal, State, County, City and Political Subdivisions, laws and rules pertaining to this organization.

(A) This corporation shall keep correct and complete books and records of account and shall keep minutes of all the proceedings of its members, Board of Directors and committees. Such documentation shall be kept at its registered office or principal office in this State.

(B) This corporation shall maintain current true and accurate financial records with full and correct entries made with respect to all financial transactions of the corporation, including all income and expenditures, in accordance with generally accepted accounting practices.

(C) This corporation shall keep at its registered office or principal office in this State; a record of the names and addresses of its members entitled to vote. Based on these records the Board of Directors shall annually prepare or approve a report of the financial activity of the corporation for the preceding year. The report must conform to Accounting standards as promulgated by the American Institute of Certified Public Accountants and must include a statement of support, revenue, and expenses and changes in fund balances, a statement of functional expenses, and balance sheets for all funds.

(D) All records, books, and annual reports of the financial activity of the corporation shall be balanced within thirty (30) days after the end of each fiscal year (February 28/29) or before the annual meeting of members for that same fiscal year, whichever occurs first.

## **Article Three - Owner/Membership**

3.01 Ownership of plot(s) in this non-profit Christian cemetery organization known as, WCCI, shall be open to all Christian believers, 21 years old or older, regardless of color, race or national origin. Active membership is limited to owners and their legally married spouses. Legally married spouse must be proclaimed by the owner in writing.

3.02 Ownership is evidenced by a valid certificate issued by WCCI, with authorized signature and corporate seal affixed thereto which must have been issued for ownership of burial site(s). For transfers or resale of plots, see 3.04!

3.03 Membership may be achieved by beneficiaries of an estate, after providing probated will and all legal documents ordered by a court and attested to by the executor/administrated with proof of testamentary status, to WCCI officer(s). However, they may not become owners of any lots/gravesite without first, being documented and transferred by the WCCI, Board of Directors unanimous vote to be valid. Only then, when a valid certificate has been issued, will a valid transfer of ownership be permitted.

## **Article Three - Owner/Membership (Continued)**

3.04 Owners of vacant plots with a valid certificate of ownership that sell or transfer any or all of their right of interment in a burial space, must return such certificate to the office of record to be voided and a request a new certificate be re-issued by the secretary of the WCCI, after approval by the Board of Directors majority vote. **No verbal or hearsay will be acceptable. State of Texas Law and rules will prevail. Officers and directors may only approve and direct burials based on right of interment in the office of record documentation.**

3.05 Membership is placed into inactive status whenever such person or persons, does not respond to three valid documented attempts to contact the owner by mail; or phone; or facsimile; or in person. Inactive status will only be removed when a response to the attempted contact has been obtained including information, payment or data originally requested.

3.06 Active membership is automatically revoked whenever plot(s) are no longer owned, or dues or any payment agreement with the WCCI is delinquent, or overdue.

3.07 Any person that wants to be a member love benefactor of WCCI, must apply in writing, details for such request and be reviewed by the Board of Directors for consideration. Such applicant may not have any interment rights granted or owned in the WCCI.

## **Article Four - Dues/Maintenance Fees**

4.01 The dues of this organization shall be for the purpose of maintaining the cemetery grounds and other general upkeep. Amount of dues per annum shall be determined by vote of the membership at an annual or special called meeting of the organization. Dues shall be known as Maintenance Fees.

4.02 Maintenance Fees shall be required whenever the projected cost of maintenance exceeds the sum total of donations and the trust invested return. Such maintenance fee will be assessed equally to all members of record and assessed against any vacant spaces owned by member(s) that do not respond to billings sent to their last known address of record.

4.03 Unpaid maintenance fees assessed to member's vacant plot, that exceed the current value and if none, debt goes against any locatable assets determined as an unpaid debt delinquent and overdue. Fair notice shall be attempted, using methods by any and all lawful means.

4.04 Maintenance fees may be overcome by donations adequate to eliminate the projected shortage.

4.05 No member, director or officer may receive any revenue or income from this organization. All financial matters must be transacted by the Treasurer or as instructed by the Treasurer. Any rare and no other option situation of reimbursement for purchases or other disbursement, must be exact amount to the penny, dollar for dollar and supported completely with documentation, receipts and undisputed facts.

4.06 Any donations other than monetary will be considered non-charitable donations, nor will they qualify as exempt for other purposes. (Example: any materials, tools, fertilizer, herbicide, etc.)

4.07 The organization may accept donations for specific improvements, projects generated by the Board of Directors or majority vote of a quorum of the entitled membership. All improvements and projects may not benefit anyone or anything other than the cemetery in its entirety. (Examples are, but not limited to: fences, gates, driveways, landscaping of the entire cemetery.)

4.08 No administrators and/or executors of estates may be issued certificates in any name(s) other than those with documented proof of power of attorney conveyed by heir or court order with probate jurisdiction.

## **Article Four - Dues/Maintenance Fees (Continued)**

4.09 Any donations for other than maintenance may not be used to reduce maintenance dues. However, donations of one thousand dollars or more for the maintenance trust fund, may be applied to maintenance dues until exhausted.

4.10 Donations for maintenance and/or other revenue dedicated for maintenance, exceeding previous five-year maintenance costs with projected adjustments, must be deposited into an interest-bearing account. To be transferred into the long-term trust investment fund as soon as feasible.

4.11 The Officers of WCCI must maintain an investment account earning monies to supplement cost for maintenance and repair of the Wetmore Community Cemetery. Such investment must be insured against loss of the initial deposit amount. Insured and legally licensed financial institutions must be used at all times. No stocks, investments or money market speculation is allowed! (CD and Savings Accounts are preferred when insured by FDIC and like agencies.) This duty may not be delegated to any board members, committee or members, or other individuals.

4.12 Investment monies, also called Cemetery trust fund may not be loaned or used to benefit directly or indirectly any members, officer, board members or individual. The total deposit and revenue earned is for maintenance and repair of the Wetmore Community Cemetery only. Any violation of this By-Law may be prosecuted in the courts of jurisdiction, to the full extent of such violation.

4.13 Anyone donating to the maintenance trust fund must do so knowing that such funds may not be refunded and are dedicated to the maintenance and/or repair of the entire cemetery only. Not for any specific owned properties. Receipt for all such donations must state this clearly.

4.14 Maintenance trust funds sole purpose is to supplement funding needed now in the future, to maintain and repair the Wetmore Community Cemetery. Trust fund initial deposit amounts may not be withdrawn or withheld without majority of a quorum vote of the entitled members at an annual or special meeting called and held according to the organization By-Laws. Only interest earned is to be used routinely when needed.

4.15 Board of Directors may designate excess funds donated or earned or being held in reserve to be dedicated to maintenance and repair fund use only.

## **Article Five - Officers and Directors**

5.01 All officers and Directors must be valid entitled members of this organization, in good standing, before they may be elected and take office. Spouses are welcome to attend board meetings with their duly elected spouse but will not vote or have discussion rights. They must be banned if disruptive!

5.02 Spouses of valid entitled members of this organization may also serve as officers or directors if nominated and elected. They may not both serve simultaneously as officers. They may both serve as directors simultaneously.

5.03 The officers of this organization are President, Vice President, Secretary, Treasurer and Sergeant at Arms. All officers' tenure is three (3) year terms of office, without reelection limitation. Term of office begins on March 1<sup>st</sup> of the next fiscal year after the election was held a completed. All newly elected officers must use this time to learn the responsibilities and functions of their office. Whenever there is a vacancy for any reason, prior to fulfillment of their term, the replacement will serve for the remainder of that officer's term.

## **Article Five - Officers and Directors (Continued)**

5.04 The three directors of the organization shall be elected for three-year terms. They may run for reelection repeatedly. Terms of offices begins on March 1<sup>st</sup> of the next fiscal year after election was held and completed. New officers must make use of this time to learn the responsibilities and functions to be performed by them. They will serve on the Board with the elected officers. The Board must have a minimum of eight members, including the five officers. None of the board members elected or appointed as such may perform officer duties, unless they resign their director position and are elected by the members. Directors should only be involved in officer duties for future candidacy of such position. Whenever there is a vacancy for any reason, prior to fulfillment of their term, the replacement will be serve for the remainder of that director's term.

## **Article Six- Duties of Officers and Directors**

6.01 The President shall preside at all meetings of the membership, by virtue of the office be chairperson of the Board of Directors, present at each annual meeting of the organization a report of the work of the organization, appoint all committees, temporary or permanent, see that all books, reports and certificates as required by law are properly kept or filed, be one of the officers authorized to sign the checks or drafts of the organization, however must be one of the two signatures on any check or draft amounts in excess of five hundred (\$500) dollars and have such powers as may be reasonably construed as belonging to the chief executive of any organization. Oversee all the responsibilities, signer of any and all Wetmore Community Cemetery Incorporated trust funds. No duties of the President may be delegated to anyone but the Vice President, at any time for any reason, without the majority approval of a membership quorum. The President is also the chairman of the Board of Directors and may not delegate this duty. Must solicit opinion, receive input and give proper consideration to the Board of Directors and members regarding Cemetery matters.

6.02 The Vice President shall, in the event of the absence or inability of the President to exercise his or her office, become acting President of the organization with all the rights, privileges and powers as if he or she had been the duly elected President. This officer must be a major assistance to the other officers and be kept advised of any and all activities at all times by the President. Communications between the two officers must be open and complete. This officers' duty requires work coordination, more hands-on work and participation in the daily business of maintenance, improvement, grave location/designation and cemetery management, must be one of the officers who may sign checks or drafts of the organization. May sign checks over five hundred (\$500) dollars only under extreme circumstances of the President's physical inability to do so, assist all other officers with their duties as needed. Make the President aware of any situation that he or she is unaware of.

6.03 The Secretary shall keep the minutes and file any certificate required by any statute, federal or state, give and serve all notices to members of the organization, be the official custodian of the records and seal of the organization, present to the membership at any meetings, any communication addressed to the Secretary of the organization, submit to the Board of Directors any communications, attend to all correspondence of the organization and exercise all duties incident to the office of Secretary. Within thirty (30) days of the anniversary every year of the date of incorporation, the Secretary shall present to the Board of Directors the members entitled to vote and receive notice of meetings. The Treasurer shall affirm that the members to notify of meetings and notice to vote is true and correct to the best of their knowledge at that point in time. The number of members shall be determined and a quorum shall be determined at that same presentation to the Board of Directors. This quorum shall be used for the

## **Article Six - Duties of Officers and Directors (Continued)**

remainder the fiscal year for all special meetings and the annual meeting of members. Whenever one-tenth of the votes entitled to be cast, is accounted for and represented in person or by proxy, it shall constitute a quorum. The vote of the majority of votes entitled to be cast by the members present or represented by proxy at a meeting at which a quorum is present, shall be the act of the members meeting.

Secretary will be custodian of all records and also of the following:

- A. List of eligible voting members names, address and phone number.
- B. Maintain the file of certificate copies issued to owners of sold plots, in alphabetical and plot number order.
- C. Determine quorum of lot ownership to verify that all member meetings.
- D. Keep the certificates current with address changes, rights of sepulture.
- E. Void and reissue certificates for plots that have been transferred by sale or other methods.
- F. Maintain the office of record files and current statues at all times.
- G. Assist officers and directors with their search and request for records and/or information.
- H. A current map of the cemetery with plots laid out, with gravesites designated and numbered.
- I. The Secretary shall be the primary backup person to perform Treasurer duties as needed and thus must have authorization to sign checks and drafts with another Officer's signature only.

6.04 The Treasurer shall keep records of the organization in appropriate books, be the primary Officer to initiate and sign all checks and drafts of the organization, one of two signatures on any check or draft amount in excess of five hundred (\$500) dollars, be one of the signers on all trust accounts, render reports at stated periods as the Board of Directors shall determine to give a written account of the finances of the organization and such report shall be attached to the minutes of the Board of Directors of such meeting and shall exercise all the duties incident to the office of Treasurer. Keep a list of sold and unsold plots with names, addresses and phone numbers by plot number and alphabetical order, current and readily available. In addition, mail to the President and Vice President copies of all bank and/or financial institutions statements, monthly or as often as received. It is paramount that the Treasurer duties not be delegated or minimized at any time for any reason. All financial transactions of any amount must be transacted through this Officer at all times. The Treasurer must keep the President and/or Vice President advised of un-routine events immediately. The Treasurer shall be the primary backup to perform Secretary duties and to assist the Secretary as needed. Duties must be fully understood and current regarding certificates and rights of interment, in case the Secretary cannot do so, in time for a burial.

6.05 The Sergeant of Arms will maintain decorum at all meetings. Handle any infractions of public law that pertains to trespassing, vandalism, theft, unauthorized events and other penal code violations. Co-coordinator and enforcer of the rules and regulations as directed by the Board of Directors only. Oversee traffic issues at meetings or funerals whenever deemed necessary by the board or officers. Perform duties related to cemetery security and signage. Inspect periodically for any evidence of vandalism or desecration and report findings to the President timely.

## **Article Seven - Board of Directors**

7.01 The business of this organization shall be managed by a Board of Directors consisting of eight members including the officers of the organization, whom shall all serve as directors. The three directors shall be chosen at the annual meeting of this organization in the same manner as the officers of this organization and they shall serve for a term of three (3) years and shall be eligible for re-election without limitation of terms. Vacancies on the Board of Directors shall be filled by a vote of the remaining members of the Board of Directors for the balance of the vacated directors' term.

7.02 The President of the organization, by virtue of the office, shall be chairperson of the Board of Directors and the Vice President shall full fill such duties in emergency absence of the President.

7.03 All elected Officers by virtue of their office must be members on the Board of Directors.

7.04 Board of Directors may meet as often as deemed necessary by the President and/or majority of the Board. Such meetings must use parliamentary procedure to make decisions and implement such decisions as passed or not to implement if defeated. Such meetings may not make decisions of magnitude that the members need to vote or requires decision by the members is mandatory.

7.05 Board Meetings are open to members of Wetmore Community Cemetery Incorporated, by member request and Board invitation. Attendees of such meetings may not participate unless by virtue of committee duty or requested to do so by a Board member. No business may be brought before the Board of Directors meeting unless it is submitted in writing or reason called and placed on the agenda by the chairperson. Invitations and announced schedules are not feasible, since board meetings are impromptu, costly and cause delays. Meetings in need of member awareness, shall be communicated by bulletins mailed or annual meetings or special meetings.

## **Article Eight – Salaries**

8.01 No Officer or Director shall for any reason of the office be entitled to receive any salary or compensation directly, indirectly, at any time or place. No preferential treatment or restitution!

8.02 This organization and none of its members, Directors or Officers may hire personnel, or authorize salaries for any employee(s) of any type, for any cemetery purpose. All disbursements must be for goods and/or services, delivered and/or performed as authorized and approved by the elected Officers, or Board of Directors, according to the By-Laws, prior to such performance or delivery. All performance by Officers, Directors and members must be uncompensated/donated! No barter or trade is allowed! No actions may be authorized that could endanger the organizations non-profit status and/or constitute taxable employment. Contract service with proof of liability insurance is mandatory.

8.03 Officers, Directors and/or Members may be reimbursed for purchases they make in behalf of the cemetery, and provide invoices naming WCCI as purchaser, only when directed by the Board of Directors. All other purchases must be considered donations by the purchaser, and are appreciated, but not reimbursable in any direct or indirect manner.

## **Article Nine - Record Date for Determining Members Entitled to Notice of Meetings and Vote**

9.01 Within thirty (30) days after the anniversary date of incorporation every year, the Secretary shall present to the Board of Directors the members entitled to vote and receive notice of meetings.

9.02 The Treasurer shall affirm that the members to notify of meetings and notice to vote is true and correct to the best of their knowledge at that point in time.

## **Article Nine - Record Date for Determining Members Entitled to Notice of Meetings and Vote (Continued)**

9.03 The number of members shall be determined, and a quorum shall be determined at that same presentation to the Board of Directors. This quorum shall be used for the remainder of the fiscal year for all special meetings and the annual meeting of members.

9.04 Whenever one-tenth of the votes entitled to be cast is accounted for and represented in person or by proxy, it shall constitute a quorum.

9.05 The vote of the majority of the votes entitled to be cast by the members present and represented by proxy at a meeting at which a quorum is present, shall be the act of the members meeting.

## **Article Ten - Meetings (Annual and Special)**

10.01 Annual Meetings and special meetings of members entitled to vote, will be announced by written or printed notice stating the place, date and hour of the meeting, and the purpose, or purposes for which the meeting is called. Notice shall be sent, personally, by facsimile transmission, by mail, or method as directed by the President, or the Secretary, not less than fourteen (14) days prior to meeting date, nor more than thirty (30) days prior to the date of such meeting. If mailed, with postage thereon paid, such notice shall be deemed to be announced when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the corporation. If transmitted by facsimile, noticed is deemed to be announced on the successful transmission of the facsimile.

10.02 Any business not stated in the annual meeting announcement may not be entertained and must be tabled until the next meeting. A unanimous vote of the entire quorum may compel the President to rule the business as new business at this meeting or to schedule a special meeting. (Note: Any such business must be evaluated by the President, for the impact on those not present and must be of an urgent nature that cannot wait or will cause the calling of a special meeting of about the same attendees, in the immediate future.) (It must be totally justifiable!)

10.03 Special meetings of the members may be called by the President, or the Board of Directors, or by members having not less than one-tenth (1/10) of the votes entitled to be cast at such meeting. Notice shall be sent, personally, by facsimile transmission, by mail, or method as directed by the President, or the Secretary, not less than fourteen (14) days prior to meeting date, nor more than thirty (30) days prior to the date of such meeting. If mailed, with postage thereon paid, such notice shall be deemed to be announced when deposited in the United States mail addressed to the member at his or her address as it appears on the records of the corporation. If transmitted by facsimile, noticed is deemed to be announced on the successful transmission of the facsimile.

10.04 Member(s) may request in writing new or old business to be put on the agenda of a meeting. Such written notice must be received by the Secretary, no less than seven days prior to the meeting to be considered for the agenda, by the Board of Directors quorum.



## Article Ten - Meetings (Annual and Special) (Continued)

10.05 All meetings should use the following simple rules of order, unless Roberts' Rules of order are preferred or deemed necessary:

Wetmore Community Cemetery Incorporated  
BASIC and SIMPLE MEETING RULES  
Non-profit organization - Suggested by ASCS  
(American Society of Corporate Secretaries)

**Order of business** – (per agenda circulated in advance)

- A. Opening of meeting (Chair)
- B. Submission of minutes of previous meeting (Secretary)
- C. Reading of reports, i.e. Treasurer's, Committee's and discussion of same
- D. Old business to be brought up
- E. Unfinished business from previous meetings
- F. Motions that were tabled from previous meetings
- G. New business – motions to be made for voting by the Board
- H. Meeting closing (on schedule)

### **Discussion**

Only members and guest recognized by the Chair may speak.

### **Motions and Voting**

Generally, before any item can be discussed, there should be a motion made and seconded. Once a motion has been seconded, discussion will follow. After discussion, one of four things can happen:

1. There can be a vote on the motion.
2. The motion can be amended (second required). Then there can be discussion on the amendment. The amendment can be voted. If the amendment passes, the motion automatically passes. If the amendment fails, the motion still stands and can be discussed until voted.
3. The motion can be tabled (second required). There can be no discussion on a motion to table—a vote must be taken immediately. If the vote is to table, no further discussion can take place on the motion.
4. There may be no action on motion – therefore it becomes old business at a future meeting.

**Motions must be clear and concise. A motion to “improve fund-raising” would be vague and discussions could meander. However, a motion to “sponsor a benefit golf tournament” is specific and could be effectively discussed and acted on.**

### **Committees**

Make general board meetings more productive by use of committees and rely on committee reports as a basis for action. Committees can sort through minutiae and come forward with a well-developed proposal for the whole board to consider. Committees can also be a development pool for future board members.

### **Disagreements**

The Chair of the meeting is responsible for maintaining order. On procedural questions, the Chair's ruling will be determinative and final.

## **Article Eleven – Voting (\*Revised April 29, 2008)**

11.01 Each validated active entitled member in attendance at the annual or special called meeting shall be authorized to cast one vote. In the case of any joint ownership vote must be split equally in whole increments only. Husband and wife owners of two plots or more may cast one vote each, total of two.

**\*11.02** *A member not in attendance may not vote by proxy! Revised by Annual Meeting of Members on April 29, 2008.*

**\*11.03** *A quorum will be determined by a physical count of the attendance. A count of 10 or more voting members (including the Board of Directors and Officers), and this organization in good standing. Lack of such quorum requires the President and attendees of the meeting to reschedule such meeting in more than twenty (20) days to allow timely announcement, but not more than thirty (30) days, from the original meeting date. The Secretary shall use the same method as required by the rules and regulations previously to announce to all active members entitled to vote, which were not present at the meeting, a notice of the rescheduled meeting and such notice must contain the date, place, and hour of the meeting and the same purpose(s) as originally called.*

**\*11.04** *The vote of the majority of the voters cast by the members present, at the annual meeting, at which a quorum is present, shall be the act of the entire membership.*

## **Article Twelve - Elections**

12.01 Annual meetings constituting a quorum of voting membership shall be held to elect nominees of vacant or expired term officers and/or members of the board, by a majority vote of a quorum. Such meetings may also present annual reports and may be used to conduct other business necessary and relevant to the past, present and future of this Wetmore Community Cemetery.

12.02 Membership entitles validated active members to be appointed to run for election of an Officer or member of the Board of Directors by another member, only with that nominee's consent and physical presence at such election. Such appointment may be accepted only after the nominee fully understands the duties and has agreed to fulfill those duties, of that office, if elected. Nomination and/or election of any officer are not limited by: sex, color, race or national origin. All nominees must be certified by the Secretary, to be a valid active member, before they may be placed on a ballot.

12.03 Election of Officers and Board of Director members shall be every three years. Rotation of Officers is encouraged to avert massive loss of expertise, knowledge and experience needed to conduct the cemetery operation. Such method should prevent the President and Vice President, nor the Secretary and Treasurer, from leaving the office at the same election. All effort must be exhausted to keep from losing half the Board of Directors at any election. Unless replacement has recent experience and/or working knowledge of the duties currently performed by the same position.

## **Article Thirteen - Committees**

13.01 All committees of this organization shall be appointed by the President, or volunteer with Presidential right of refusal. All appointees and the Chairperson must be agreeable to any such appointment before official appointment.

13.02 Removal from committee is at the President and/or Chairpersons will.

13.03 Serve such time as deemed necessary to complete the duties for which they were appointed.

13.04 All such committees shall be chaired by a member of the Board of Directors, and report as required to the Chairman of the Board as required, but no later than the next member or board meeting.

13.05 No committee may be delegated to perform the duties of the Board of Directors. Committees may only be used for resources, assistance and expertise to supplement the Board of Directors.

13.06 Nominating committees may only be active for one ballot duration. All members of that committee may serve repeatedly, if nominated. The nominating committee may not nominate anyone on that same nominating committee.

## **Article Fourteen – Amendments**

14.01 By-Laws requiring revisions or addendums due to omissions shall be drafted by the Board of Directors and voted on at next scheduled annual or special meeting.

14.02 By-Laws that do not cover specific situations may be drafted and utilized by the Board of Directors in the case of an emergency, such as imminent burial, only if the Directors unanimously concur. Such emergency use must be ratified by the annual meeting of members. Lack of such confirmation will nullify that specific By-Law for future use.

14.03 Members may request the Board of Directors to review any By-Laws for revision, accuracy, relevancy, worthiness, omissions and other justifiable cause.

## **Article Fifteen – Workdays**

15.01 The President and/or Board of Directors may call on members of the WCCI to participate in a workday. Such workday must be designed to maintain, make repairs or improvements, or beautification of the Wetmore Community Cemetery only. The sole purpose being to reduce costs of maintenance and/or repair. Such workday is not mandatory, but the duty of every living member, descendants of interred and the community. Everyone is welcome to work and donate his or her skills.

15.02 Workdays may not be reimbursed monetarily or credited, directly or indirectly. Bills for expenses incurred directly and completely consumed by workday efforts and approved by the Board of Directors, may be paid for by the maintenance funds directly, with adequate receipts to justify any such payment.

## Article Sixteen - Rules and Regulations

16.01 The Board of Directors must adopt rules and regulations to control members actions and the lack of any required actions. These rules and regulations shall clearly state what is acceptable and what is not acceptable for the cemetery's: appearance, adornment, decor, alteration, activity and what is considered non-conformance of acceptable practices.

16.02 To ensure uniformity, the members must be kept informed in writing of any decisions, revisions, deletions and additions to these rules at all times. Current rules and regulations handouts must be provided to members routinely, be available at all meetings, to prospective buyers before sale, anytime they are changed in any way and upon request by members. Cost may be recovered through donation only. No mandatory fee may be applied!

16.03 Members must be involved in this process as much as feasible. Members may request additions or deletions to the rules and regulations in writing, by mail to the designated organization address or to the Secretary, at any organization meeting. Such requests will be tabled or put to a vote or enacted, totally dependent on the President/Chairpersons discretion. Any tabled request must be answered in a written response or referred to a committee for deliberation and studied for a response.

16.04 Grave must be done by an approved professional is in that specific business full-time and was approved previously by this organization and agreed to conform to cemetery rules and direction.

16.05 All interments after January 1, 2004 must have casket vaults, except interment of infants or cremated remains. Those that were omitted in the past will be the other exceptions. Proof will be required as of the effective date.

16.06 All graves must have a monument or other Board approved permanent marker displaying their legal first name - middle initial - last name, date of birth and date of death in place at the head of such grave within one year of burial. Existing monuments/markers without complete names or dates are acceptable and thus grandfathered.

16.07 Only markers that do not protrude two inches (2") above ground and survive the weight of maintenance equipment loads without damage will be allowed in the areas so designated by the members. Such restriction must be noted on the bill of sale and certificate of ownership at the time of sale, to enable enforcement. All other monuments depending on the gravesite area will require approval by the Board of Directors. Purposes to reduce maintenance costs of mowing and weed control!

16.08 Any and all statues, memorabilia, glass objects, photographs and other decoration are not allowed.

16.09 Anything deemed by any member of the Board of Directors, to be hazardous to people or impede mowing will be removed with or without notice to plot owner, or their guardian.

16.10 No vegetation, real or artificial, is allowed except in authorized containers. No planting of trees, flowers or ornamental scrubs will be allowed without Board of Directors approval. Approved planting may not incur any expense to this organization now or in the future. There is no water on the premises; no funds available to care for such and sometimes might restrict security view.

16.11 The following partial list of rules and regulations shall be handouts in an effort to educate the members, visitors, prospective buyers, officers, directors and owners of plots.

*FOLLOWING ADDENDUM WAS EFFECTIVE February 29, 2008 by majority vote of the Annual meeting of members. However, this is a policy and requirement for decades without challenge. Since recent customers protested that they were not aware and did not remember such regulation, it was researched and approved by an attorney and voted into full enactment. Thus, it will be Article:*

16.12 All deceased bodies must be embalmed prior to burial in the Wetmore Community Cemetery, by a full-time professional mortician, licensed by the State of Texas and employed by local Mortuary licensed by the State of Texas. **Regardless whether it is or is not required by any other laws, religions, rituals, etc.**, unless such body was cremated by licensed crematorium in the State of Texas.

# WETMORE COMMUNITY CEMETERY

Christian Non-Profit Cemetery

## Partial List of Rules and Regulations

**Designed to make the cemetery a pleasant site for everyone and secure a peaceful resting place for our deceased loved ones!**

*(Following rules and regulations are abbreviated! Backed by written By-Laws, legally approved and adopted by a vote of the members of this organization!)*

1. Owner(s) of plot(s) must be active members of the **non-profit**, Wetmore Community Cemetery Incorporated, to honor their departed, to fulfill **obligation, share expenses** of the entire cemetery, participate in workdays, **be involved** in annual meetings and special meetings.
2. Owner(s) of plot(s) are **responsible** to each other, the interred, community and this cemetery organization to conform to all laws, rules and regulations voluntarily.
3. Owner(s) of gravesites, visitors and the community are all responsible for cemetery security and must report any suspicious activities to the proper law enforcement. Rules and regulations violators must be reported to the organization. The most important security step is to **close the gate** upon leaving the cemetery, even if it was open upon arrival.
4. Maintenance is provided through the use of **donations** by the owners of plots and benefactors. Maintenance of graves, monuments, vandalism, theft replacement and such, is not included.
5. **Approved floral vases** must be used. Unapproved container/vases will be disposed of.
6. Concrete, cut stone and any type curbing/border must have Board of Directors approval.
7. The use of this Cemetery property for any non-Christian **rituals** or such purposes is forbidden.
8. **Only fresh and artificial flower** arrangements are permissible in approved vases, except the interment and on special occasions approved by the Board of Directors in writing. The Board has approved all these: Valentine's Day, Easter, Mother's Day, Memorial Day, Father's Day, All Souls, Thanksgiving and Christmas. These may be recognized no more than fourteen (14) days before the special occasion and all decorations must be removed within seven (7) days after the special occasion. All items left beyond limits or deemed by the Board of Directors or the designated person(s) to be inappropriate or unapproved will be removed and disposed of, without notice.
9. Wetmore Community Cemetery is **open from sunrise to sunset**. After sunset and until sunrise it is closed and anyone found there will be trespassing, will be reported and prosecuted. All unauthorized vehicles left after sunset will be towed at the owner's expense.
10. Wetmore Community Cemetery, a Non-Profit Corporation, is not responsible for any damages, injuries, vandalism, desecration, theft or other losses. Please be careful!
11. All deceased remains that are not cremated must be **embalmed** by a mortician that is licensed by the State of Texas and employed by Mortuary that is licensed by the State of Texas. This is still regulation, regardless whether it is required or not by faith, ritual or laws.
12. All caskets in graves, except cremation, must be sealed in a concrete vault. No liners made of wood or materials less than concrete may be used.

**Your cooperation is appreciated!**

*Thank You*

**Members of the Board of Directors**

## **Article Seventeen - Sales of Lots**

17.01 The selling price of any and all space for sepulture shall be set by the Board of Directors. Decision formed with opinion of a majority of members at annual meeting of members, based on current market pricing of a similar plot and other conditions. The sales price requires full payment plus it also requires active membership in the organization, demonstrated by timely payment of dues, volunteerism, and participation in meeting for certification of ownership.

17.02 No charitable space may be donated by the organization, without a majority vote of a quorum of members at an annual or special meeting, approving such gift of a grave space.

17.03 Plots may not be sold on credit or with interest charges. However, a plot are multiple plots may be sold on a 90-day payment agreement of three equal monthly payments, without additional charge, but no rights of interment will be transferred for any reason, including burial, until plot is paid in full and the certificate of ownership has been conveyed. No interest or additional charge will be required for this privilege. All partial payments are non-refundable and will be considered donations if the full amount due is not paid within 30 additional days after becoming due and payable. All 90-day agreements must be written in complete detail with the full name and address, phone number, date started, details of the section and plot number, amount of money paid, amount due each month, the deadline, with no refund clause and signature of acceptance of all conditions. Board approval is required on all such 90-day agreements! Any other time payments must be resolved by the Board of Directors.

17.04 After payment is paid in full for a plot, a certificate of ownership, evidencing the conveyance of the exclusive right of sepulture may be issued. Certificate must be signed by the President of this organization, or the Vice President (unavailability of the President) and signed by the Secretary. Then the plot designation number and corporation seal of the Wetmore Community Cemetery Incorporation is affixed to the same certificate of ownership. The certificate of ownership and all the sales documents stating name(s), addresses, phone numbers, names of granted sepulture authorization and other relevant information pertaining to this transaction will be filed, recorded and secured at the cemetery organization's office. All documents must be completed with all data requested before signature.

17.05 No sales of any tangible personal property requiring any type licensing or permit(s) or taxation from any governmental authority may be conducted or orchestrated by this organization, nor by anyone else in its confines. This is a non-profit community cemetery, not a commercial business or purveyor of such.

17.06 This organization shall not compete with other businesses in this same or associated endeavor!

17.07 No sales may be contracted other than right of interment plots and all maintenance donations without exception are for the benefit of the entire cemetery rather than any member, Officer or Directors with or without interest in the cemetery. Dedicated donations for improvements of the cemetery such as fences and gates are acceptable.

## **Article Eighteen - Rights of Interment**

18.01 No burials may be scheduled or arranged or performed unless all of the following criteria is researched by the office of record for this cemetery by the person charged with such responsibility and duty, finds all is true and correct to the best of their information and the right of interment is fully met!

## **Article Eighteen - Rights of Interment (Continued)**

### **Rights of interment in a Plot:**

- (A) A plot in which the exclusive right of sepulture is conveyed is presumed to be the separate property of the person named as grantee in the certificate of ownership or other instrument of conveyance.
- (B) The spouse of a person to whom the exclusive right of sepulture in a plot is conveyed has a vested right of interment of the spouse's remains in the plot while the spouse is married to the plot owner or if the spouses married to the plot owner at the time of the owner's death.
- (C) An attempted conveyance or other action without the joinder or written, attached consent of the spouse of the plot owner does not divest the spouse of the right of interment.
- (D) The vested right of interment is terminated:
  - (1) On The final decree of divorce between the plot owner and the owner's former spouse unless the decree provides otherwise; or
  - (2) When the remains of the person having the vested right are interred elsewhere.
- (E) Unless a plot owner who has the exclusive right of sepulture in a plot and who is interred in that plot has made a specific disposition of the plot by express reference to the plot in the owner's will or by written declaration filed and recorded in the office of the cemetery organization:
  - (1) A grave in the plot shall be reserved for the surviving spouse of the plot owner; and
  - (2) The owner's children, in order of need, may be interred at the remaining graves, of the plot without the consent of a person claiming an interest in the plot.
- (F) The surviving spouse or child of an interred plot owner may each waive his right of interment in the plot in favor of a relative of the owner or relative of the owner's spouse. The person in whose favor the waiver is made may be interred in the plot.
- (G) Exclusive right of the sepulture in an unused grave or a plot in which the plot owner has been interred may be conveyed only by:
  - (1) Specific disposition of an unused grave, by express reference to it in a will or by written declaration of the plot owner filed and recorded in the office of the cemetery organization; or
  - (2) The surviving spouse, if any, and the heirs-at-law of the owner.
- (H) Unless a deceased plot owner who has the exclusive right of sepulture in a plot and who is not interred in the plot has otherwise made a specific disposition of the plot, the exclusive right of sepulture in the plot, except the one grave, reserved for the surviving spouse, if any, vests on the death of the owner in the owner's heirs-at-law and may be conveyed by them.

### **Multiple Owners**

- (A) Two or more owners of a plot may designate a person to represent the plot and file with the cemetery organization written notice of the designation. If notice is not filed, the cemetery organization may inter or permit and interment in the plot at the request or direction of a register co-owner of the plot. 18.02 Interment is not allowed without the authorization and direction of an elected Officer or Board member currently in office. Such person is responsible for overseeing the correct location and correct procedure of interment is performed and provide documentation of such to the Secretary and/or Treasurer expediently. This includes the following, but is not limited to the following:
  - (A) Validate the interment space is in the owner name on a plot as listed in cemetery organization's office as the current owner of the exclusive right of sepulture (burial); or certified owner of has designated a space on the right of sepulture on such document on file in the organization file of record.



## **Article Eighteen - Rights of Interment (Continued)**

- (B) Validate interment space is correct location for a certificate of ownership issued by this organization, or other legal instrument of conveyance approved by the Board of Directors, of the exclusive right of sepulture (burial) in a particular plot in this organization's cemetery records on file.
- (C) Physically observe the location of the plot, grave digging and interment to verify that it was performed in compliance with all rules and regulations.

## **Article Nineteen - Access to Cemetery Property**

19.01 Members and visitors are welcome to enter the cemetery only for respectful reasons, may do so during reasonable hours from sunrise to sunset. Other visits after sunset until sunrise will be considered unreasonable hours, disrespectful and subject to the filing of charges for trespass or any and all other suspicious violation(s) of the law. **Desecration is a felony** and must be charged.

19.02 Any desecration or obliterations, or theft, or vandalism, or any illegal activities on any gravesite or of any real or personal property on or within the grounds of the Wetmore Community Cemetery, that is not owned by the Wetmore Community Cemetery is the obligation of the plot owner. If owner is interred then such responsibility is transferred to the designated person on record in the cemetery office of record, or descendants or heirs. The Director's must make every effort to notify any and all victims of theft or vandalism to include filing a report to the appropriate law enforcement authority, on their behalf, whenever contact is delayed more than 24 hours.

19.03 Any desecration, or obliterations, or theft, or vandalism, or any illegal activities on any of the property in direct control of the WCCI Officer or Director, and is made aware of such activity must report same, to the proper law enforcement authorities as soon as able and possible

19.04 Hours of high risk to the cemetery confines may be so designated by the Board of Directors and appropriate action may be implemented. This would normally include locking of the entrance on Halloween night (from sunset to sunrise). It may extend to the hiring of security services, other measures such as security patrols or security devices, or such. All efforts and justifiable expenses must be considered and executed to prevent desecrations, or obliteration, or theft, or vandalism, or any illegal activities in and around the Wetmore Community Cemetery.

## **Article Twenty - Abandoned Forfeiture**

20.01 All plots without interments are subject to abandoned forfeiture, whenever maintenance assessments equal to, or exceed the current value of the plot(s). Providing that no one legally entitled to ownership can be found and/or has not responded to the, organizations office of records last address of record for at least three years, a notice of annual meeting and letter of abandoned notification.

20.02 Forfeiture of Right of Interment will be applied to plot(s) that have not paid assessed maintenance dues equal to the current value of that specific plot. Such right may be restored by payment in full of overdue and current maintenance dues unpaid to date.

20.03 Loss of member voting rights and all other privileges is lost whenever any liability is unpaid by such member.

## Article Twenty One - Exemptions

21.01 This community cemetery claims exemption from the requirements of the Texas Health and Safety Code Chapter 712, by reason of being a community cemetery.

(Refer to chapter 712.002 Exemptions from this Chapter)

This chapter does not apply to:

(1) a family, fraternal or community cemetery.

21.02 This non-profit corporation has been ruled exempt from the State of Texas Franchise Tax, but not Limited Sales Tax. Therefore, sales tax must be paid by this organization on all such taxable purchases. The organization is non-profit but does not qualify for charitable exemption.

21.03 This non-profit corporation is not required to pay to the Internal Revenue Service at this time, as it complies with their non-profit requirements for community cemetery organizations.

## Article Twenty Two - Burials

22.01 All burials regardless of the type of container of the body, the highest top part, must be at least two (2) feet below the normal surface of the ground.

22.02 No stacking of interments is allowed. One interment (body) per gravesite, which normally measures about five (5) feet wide and ten (10) feet long of service area.

22.03 Cremation urns must be at least two (2) feet below normal ground level, may be one per five (5) feet by five (5) feet surface area burial site, or the Board of Directors, designated interment site.

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Hear ye, Hear ye, one and all, these By-Laws drafted by the Wetmore Community Cemetery Incorporated elected Board of Directors, adopted by majority vote of a quorum, at the annual meeting of the active members of the Wetmore Community Cemetery Corporation on 20<sup>th</sup> day of August, 2005, therefore nullifies and replaces all other By-Laws, rules, regulations, policies, procedures and any other verbal or written agreements are thereby null and void from this date forward!

By our signatures affixed below we are the Officers and Board of Directors at this time, swear that the statement above is true and correct, and with pride and honor present this to be our best effort, based on our knowledge, research of laws and experience. Our endeavor is to protect the past, present and future of the Wetmore Community Cemetery. So that all our loved ones interred there now may rest in peace forever. As we may also! No one received any compensation or gratuity of any type, for the numerous hours expended to complete this task. Drafts were distributed to all members current mailing address or distributed at the 2004 Annual Meeting, for their review and comments, prior to ratification at 2005 annual meeting.

Original signed \_\_\_\_\_ **Nathan Reeh, President**

Original signed \_\_\_\_\_ **Ralph Krueger, Vice President**

Original signed \_\_\_\_\_ **Hazel Richter, Secretary**

Original signed \_\_\_\_\_ **Melford George, Treasurer**

## WETMORE COMMUNITY CEMETERY

### Partial List of Rules and Regulations to make the cemetery a pleasant site for everyone, and secure a peaceful resting place for our deceased loved ones!

1. Owner(s) of plot(s) must be active members of the **non-profit**, Wetmore Community Cemetery Incorporated, to honor their departed, to fulfill **obligation, share expenses** of the entire cemetery, participate in workdays, **be involved** in annual meetings and special meetings.
2. Owner(s) of plot(s) are **responsible** to each other, the interred, community and this cemetery organization to conform to all laws, rules and regulations voluntarily.
3. Owner(s) of gravesites, visitors and the community are all responsible for cemetery security and must report any suspicious activities to the proper law enforcement. Rules and regulations violators must be reported to the organization. The most important security step is to **close the gate** upon leaving the cemetery, even if it was open upon arrival.
4. Maintenance is provided through the use of **donations** by the owners of plots and benefactors. Maintenance of graves, monuments, vandalism, theft replacement and such, is not included.
5. **Approved floral vases** must be used. Unapproved container/vases will be disposed of.
6. Concrete, cut stone and any type curbing/border must have Board of Directors approval.
7. The use of this Cemetery property for any non-Christian **rituals** or such purposes is forbidden.
8. **Only fresh and artificial flower** arrangements are permissible in approved vases, except the interment and on special occasions approved by the Board of Directors in writing. The Board has approved all these: Valentine's Day, Easter, Mother's Day, Memorial Day, Father's Day, All Souls, Thanksgiving and Christmas. These may be recognized no more than fourteen (14) days before the special occasion and all decorations must be removed within seven (7) days after the special occasion. All items left beyond limits or deemed by the Board of Directors or the designated person(s) to be inappropriate or unapproved will be removed and disposed of, without notice.
9. Wetmore Community Cemetery is **open from sunrise to sunset**. After sunset and until sunrise it is closed and anyone found there will be trespassing, will be reported and prosecuted. All unauthorized vehicles left after sunset will be towed at the owner's expense.
10. **Wetmore Community Cemetery, a Non-Profit Corporation, is not responsible for any damages, injuries, vandalism, desecration, theft or other losses. Please be careful!**

**Your cooperation is appreciated! Board of Directors, *Thank You***

#### DEFINITIONS

**Owner** Person or persons that has purchased and has paid in full for gravesite or plot(s).

**Cemetery**, a place that is used or intended to be used for interment of human beings, and includes any called graveyard, burial park, or mausoleum.

**Gravesite** (A plot of land about five (5) feet by ten (10) feet in surface dimension.)

**Maintenance care**. The maintenance and improvements to the cemetery paid for by its' owners/members dues or long-term agreements, donations and benefactors.

**Marker** Granite, stone, or metal monument marker, normally with interred markings on it.

**Monuments** Granite, stone, or metal headstone that protrudes more than two inches above ground level and normally has interred statistics on it.

**Curbing** (concrete, stone, brick, metal, wood, plastic or any other material used to outline a gravesite, plot or area.

**Approved container** a metal vase commonly used at cemeteries to display flowers and any others approved by the Board of Directors.

**Unapproved container** any container(s) that do not meet the approved container description such as the following but is not limited to any items made of glass, plastic, ceramic, clay or any such materials, that may become hazardous.