

CEMETERY RULES AND REGULATIONS

As Established by the Cemetery Association

Effective January 1, 2020

HISTORIC SYLVESTER CEMETERY

ATLANTA, GEORGIA 30316

The following Rules and Regulations and Marker Installation Regulations have been adopted for the mutual protection of owners of Interment Rights in the Historic Sylvester Cemetery (hereinafter referred to as 'Cemetery'). Their enforcement will help protect the Cemetery and create and preserve it's beauty. All owners of Interment Rights, visitors and persons performing work within the Cemetery and on it's property, other persons within the Cemetery, and all Interment Rights sold and transferred therein shall be subject to these Rules and Regulations as they now exist, and as they may reasonably hereinafter be amended or altered by the Cemetery Association. Any reference to these Rules and Regulations in any purchase or transfer agreement entered into by the Cemetery Association, or in any Certificate of Interment Rights issued by the Cemetery Association, shall have the same force and effect as if set forth in full therein. Any reference to the Cemetery Foundation or Cemetery will be synonymous with the Cemetery Association.

The Cemetery Association expressly reserves the right, at any time and without prior notice to any owners, to adopt new Rules and Regulations or to amend, modify, or repeal any article, section, paragraph, or sentence of these Rules and Regulations and Memorial Installation regulations.

Definitions:

- 1. OWNER -** The owner will be defined as the original DEED HOLDER, or their heir or descendant, having the right of interment at the Historic Sylvester Cemetery.
- 2. CERTIFICATE OF INTERMENT RIGHTS -** shall mean the document by which the Cemetery conveys to the Owner the exclusive right of sepulcher in a particular grave or niche.
- 3. INTERMENT RIGHT –** The right to inter the remains of a deceased in the Historic Sylvester Cemetery subject to the limitations referenced herein. An Interment Right is a right of interment in a specific grave or other interment space.
- 4. INTERMENT –** Disposition of dead human remains by burial, entombment, inurnment, or scattering of cremains.
- 5. ENDOWMENT CARE –** The Historic Sylvester Cemetery does not have any prepaid perpetual care fee to provide for maintenance of the cemetery property but may

ask for a donation of an amount to defer expenses incurred by the Cemetery at the time of interment.

6. **GRAVE** – A space of ground in the cemetery used, or intended to be used, for the interment of human remains, including cremated remains (cremains).
7. **INURNMENT** – The interment of cremated remains into a grave or niche.
8. **MEMORIAL** – (a) A monument, tombstone, grave marker, tablet, ledger, or headstone identifying a grave or graves whether located at the gravesite or within a memorial area separate from the gravesite; or (b) A nameplate or inscription identifying a niche.
9. **PLOT** – Space in the cemetery used or intended to be used, for the interment of human remains. The term includes and applies to one or more adjoining graves or niches as designated by the original Deed or Certificate of Interment Rights.
10. **NICHE** – An above-ground space used, or intended to be used, for inurnment of cremated human remains (cremains).
11. **OUTER BURIAL RECEPTACLE** – Refers to a metal, concrete, polypropylene or other rigid outer burial container designed and built to be installed in a grave or burial site to assist in preventing the ground from collapsing.
12. **CREMATION** – Cremation is the technical heating process that reduces human remains to bone fragments.
13. **CREMATED REMAINS (CREMAINS)** – The remaining bone fragments after the act of cremation is completed by a licensed Crematory.
14. **CONTRACTOR** – Any person, firm or corporation engaged in the installation of any outer burial receptacle or memorial, or performing any work on the Cemetery grounds, as directed by the Cemetery Manager or other Trustee of the Historic Sylvester Cemetery.
15. **CEMETERY FOUNDATION** – The Board of Trustees and the Cemetery Manager who serve in elected, volunteer positions to direct the management of the Historic Sylvester Cemetery.
16. **CEMETERY, CEMETERY FOUNDATION & CEMETERY ASSOCIATION** – the persons who volunteer their time, money and talents to enable the maintenance and preservation of the Historic Sylvester Cemetery property.
17. **VOLUNTEERS** – unpaid members of the Cemetery Association, the neighbors and residents of Atlanta and others who provide financial assistance and labor toward maintaining the Cemetery property.

OWNERSHIP OF INTERMENT RIGHTS

Interment Rights within the Cemetery shall be used for no purpose other than the interment of human remains or cremains.

A Certificate of Interment Rights shall be issued to each Owner upon full payment of the purchase price of an Interment Right and any associated fees. Every Interment Right

shall be subject to (a) all applicable laws and regulations established by the State of Georgia; and (b) all Rules and Regulations adopted by the Cemetery Board of Trustees (established by the Cemetery Association), as now in force or as hereafter amended or adopted, whether or not as set forth herein.

The person named in the Certificate of Interment Rights issued and of record will be presumed to be the owner of the Interment Rights unless the Cemetery Trustees approve in writing the transfer of assignment of ownership.

The Cemetery Trustees shall have the right to refuse to consent to a transfer or to an assignment of any Interment Right until proof of the purchase price of the Interment Right and any associated fees have been paid for in full. The purchase price for sale of INTERMENT RIGHTS will be reviewed and voted on by the Board of Trustees.

SUPERVISION OF THE CEMETERY

The Cemetery reserves the right to compel all persons coming into the Cemetery to obey the Rules and Regulations adopted by the Historic Sylvester Cemetery Association.

The Cemetery shall take reasonable precaution to protect Owners and the Interment Rights of Owners within the Cemetery from loss or damage but it expressly disclaims all responsibility for loss or damage from causes beyond it's reasonable control and specifically, from damage caused by the elements, animals, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosion, and unavoidable accident by vehicle or by arson.

The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or in the inscription or installation of memorials, or transfer or conveyance of Interment Rights, including the right to substitute and convey in lieu thereof other Interment Rights for plots of equal value or similar location as far as possible, or as may be selected by the Cemetery or, in the sole discretion of the Cemetery, by refunding the amount of money originally paid on the account of said purchase. In the event such error shall involve the interment of the remains of any such person in such property, the Cemetery reserves and shall have the right to remove and transfer such remains so interred to the correct location or such other property of equal value and/or similar location as may be substituted and conveyed in lieu thereof. The Cemetery shall also have the right to correct any inscription errors, including an incorrect name or date either on a memorial, nameplate, urn, or other item.

The Cemetery reserves the right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify or change the locations and remove or regrade roads, driveways, trees, shrubs, flowers, landscaping and walks. The Cemetery Association further reserves the right to use the Cemetery property, not sold to Owners, for cemetery storage or cemetery

maintenance purposes only, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or convenient thereto.

The Cemetery Manager shall generally direct all improvements within the grounds and upon all lots and graves under the direction of the Board of Trustees. The Cemetery Association members shall have sole and exclusive authority with respect to the planting, sodding, surveying and improvements of individual GRAVE plots owned within the cemetery property.

No persons (Contractors or volunteers), other than the duly elected Board of Trustees or the Cemetery Manager, shall be allowed to perform any work within the cemetery without written authorization issued by the CEMETERY FOUNDATION and proof of insurance. All burials are to be performed by licensed funeral home directors or their designees. Burials will not be permitted by outside contractors without specific oversight by cemetery management or a licensed funeral director.

If any memorial, or any structure whatsoever or any inscription to be placed on same, shall be determined by the Cemetery Association to be offensive or improper, the Cemetery Trustees shall have the right, and it shall be their duty, to enter upon such lot(s) and remove, change or correct, at the offending Owner's expense, the offensive or improper object or objects.

If any tree, shrub, or plant standing upon any lot, by means of its roots, branches, or otherwise, becomes detrimental to the use of adjacent lots or roadways, or if for any other reason its removal is deemed necessary, the CEMETERY FOUNDATION shall have the right, and it shall be its duty, to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in its judgment it deems best.

SALE AND TRANSFER OF INTERMENT RIGHTS

The sale or transfer of any Interment Rights by any Owner shall not be binding upon the Cemetery unless same shall first be approved in writing by a duly authorized Trustee of the Cemetery. This procedure is required in order that the Cemetery may at all times have a complete and accurate record of all grave plot Owners. The Cemetery shall make available to its Owners, upon their request, necessary forms to affect any sale or transfer of Interment Rights.

Any and all transfers of any Interment Rights, whether same is by conveyance, assignment or purchase agreement, are subject to all Rules and Regulations of the Cemetery, which are now in full force and effect or which may be hereafter enacted. All transfers of ownership of multiple burial plots may be subject to a nominal transfer fee as assessed by the Cemetery Association and which charge must be paid to the Cemetery when the transfer is recorded. NO transfer of ownership shall be complete or effective until all transfer fees are paid. Fees shall be set by the Trustees and may be waived under certain conditions set by a majority vote of the Trustees.

All agreements for the purchase of Cemetery Interment Rights must be on forms approved and signed by an authorized Trustee of the Cemetery Association. All terms and conditions for the purchase of Interment Rights must be recited in the purchase agreement. Verbal agreements or representations will not be recognized as valid by the Cemetery. All such agreements must provide for the appropriate payment to the Cemetery Association and must be in compliance with the Cemetery Rules and Regulations and with applicable state laws.

The Cemetery Association may, at its option, accept exchanges of Interment Rights when desired by Owners, subject to prior written approval of the majority of the Board of Trustees or of the board-designated Cemetery Manager. When such an exchange is made, the original Certificate of Interment Rights (i.e. the original Deed) must be surrendered to the Cemetery Association.

As a general rule, the Cemetery does not buy back a grave plot from the Owner of a Certificate of Interment Rights or the cemetery property purchased and deeded to such owner. Under extenuating circumstances, and at its sole discretion, the Cemetery Association may repurchase property, or accept property in exchange for other Cemetery Services for a value to be determined by a majority of the Cemetery Trustees.

GENERAL REGULATIONS

The Historic Sylvester Cemetery is managed to have the look and feel of a Southern Wood or Garden Cemetery. The Cemetery also allows for natural burial as set forth by the Green Burial Council in Georgia. Those buried without benefit of a casket and/or containment vault must be buried at least eight (8) feet below ground level. Therefore, all burial plot owners must adhere to the following guidelines:

Decedents are not allowed to be buried as a natural burial if they were previously embalmed with toxic chemicals, unless extenuating circumstances required this procedure.

All floral decorations, whether natural or artificial, shall be subject to the Rules and Regulations concerning same as deemed appropriate by the Cemetery Association. The Cemetery Manager may remove all floral designs (artificial or natural), flowers, weeds, trees, shrubs, flags or plants of any kind from the Cemetery property as soon as, in judgment of the Cemetery Association, they become unsightly or diseased, or do not conform to the common sense standards of the Cemetery Manager. This will include any planting of invasive species such as, but not limited to, kudzu, English Ivy, cogon grass, Japanese climbing fern, Chinese privet, and Japanese honeysuckle.

No person shall be permitted to use loud profane or boisterous language or radios without earphones or in any way disturb the quiet and good order of the cemetery property. The Cemetery may, however, allow film companies licensed to work in the State of Georgia and City of Atlanta to use the cemetery property as a backdrop for movie and/or documentary scenes if written application is made to the Cemetery

Foundation, approved by the Board of Trustees or the Cemetery Manager, provide proof of insurance against damage to the cemetery property and pay a fee approved by the majority of Board of Trustees of the Cemetery Association. Cameras and video devices may be used by Owners and the family members of Owners without limit.

The Cemetery reserves to itself and to those lawfully entitled there, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots. Except as may be necessary to gain access to other lots within the Cemetery property, persons within the cemetery grounds shall use only the avenues, roadways, and walkways. All persons are strictly forbidden to break or damage any tree or shrub, or mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.

No person shall pluck or remove any plant, container or flower, either wild or cultivated, from any part of the cemetery property without consent of the Cemetery Manager or the lot Owner.

The Cemetery grounds are sacredly devoted to the burial of the human dead and the provisions and penalties of the law, as provided by state, local and federal statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the Rules and Regulations.

No person or persons, other than the Cemetery Manager or his/her designees, shall be permitted to bring or carry firearms (openly displayed or concealed) within the cemetery property, except a military guard of honor when in the charge of a military officer during a military service. Any exceptions must be approved in advance, and in writing, by the Cemetery Board of Trustees and the Cemetery Manager.

The releasing of or placement on burial sites or any location within the cemetery of balloons is strictly prohibited. Balloons are considered an environmental hazard to wildlife in the State of Georgia.

MEMORIALS, FOUNDATIONS AND INSTALLATION

In order that improvements and the appearance of the Cemetery be kept uniform, the Cemetery reserves and shall have the right to regulate the kind, size, design, quality and material of all memorials and stone foundations (including vases) which are placed or installed in the cemetery.

Specifications for memorials and foundations are available and will be provided by the Cemetery Manager upon written request.

Fields and meadows will be mowed no more than what is required to meet the guidelines for maintenance of a cemetery by the State of Georgia, DeKalb County and the City of Atlanta or to manage invasive plant species.

The use of synthetic fertilizers and pesticides shall be permitted on the property only as deemed necessary by the Cemetery Manager to deal with difficult invasive plants and

insects (i.e. mosquitoes) under carefully managed circumstances using least-toxic, integrated pest management applications available.

No hunting, fishing or trapping of wildlife shall be permitted on the property of the Historic Sylvester Cemetery.

No mining or extraction of soil, gravel or minerals (other than removal of soil for the digging of graves) shall be permitted, nor removal of oil or natural gas except via a lease with a “no surface occupancy” provision.

Dogs are not permitted to be off a secure leash in the cemetery and all dog waste must be bagged and removed from the Cemetery property by the dog owner. No dog or human waste or kitchen waste may be deposited in the cemetery-owned trash containers on Cemetery property.

The possession or consumption of illegal drugs or intoxicating liquors within the Cemetery is strictly forbidden.

No boxes, shells, toys, discarded glassware vases, sprinkling cans, receptacles, plant stands, pictures or similar items will be permitted to be discarded on any Interment space, lot or tree or common space. The cemetery-provided trash containers are for disposal of trash removed from grave plots.

The Cemetery is not responsible for theft or damage to any personal property, including artifacts, personal effects, etc. placed on Interment plots, lots or elsewhere in the cemetery.

No benches, chairs, or like items (wooden, stone, metal or concrete) shall be permitted to be brought upon the cemetery grounds or installed on Owners’ plots, unless authorized by the Cemetery Manager or other duly authorized members of the Board of Trustees. Plastic benches and chairs are not permitted to be left on cemetery property.

No person or vehicle shall be permitted to enter or leave the Cemetery property except by the public entrances, which will be opened during daylight hours upon request of the Cemetery Manager. Any person entering the Cemetery property other than during daylight visiting hours without prior authorization from the Cemetery Manager, will be considered a trespasser.

Upon entering the Cemetery grounds, all funeral activities, including funeral processions, shall be subject to the direction of a duly authorized representative of the Cemetery Association and a licensed funeral director.

Motorized vehicles shall not be driven on the Cemetery roadways in excess of five (5) miles per hour and must always be removed by the end of each day at nightfall.