

# **Holy Cross (HC) Cemetery: Est. 9/12/1876**

## **Cemetery Management Policy**

### **Adopted: June 1, 2009**

Revised 7/27/09

(Deed Record on September 12, 1876, Polk County, Iowa. William and Ellen Ryan to Right Reverend John Hennessy of Dubuque County)

#### **Cemetery Policies:**

##### **Section: #1**

1. No member of St. Mary-Holy Cross Parish, the immediate family of a registered and practicing member, or a resident (minimum of one year) of Washington Township shall be denied interment in the Holy Cross Cemetery solely because of any the legally protected classifications under Iowa Civil Rights Code.
2. The cemetery will not enter into any contract, agreement, deed, covenant, restriction, or charter provision at any time entered into, or bylaw, rule, or regulation adopted or put in force, either subsequent or prior to July 4, 1953, authorizing, permitting, or requiring any organization to deny such legally protected classifications under Iowa Civil Rights Code.
3. Interment spaces are only available to the following: (1) practicing members (minimum of one year) of St. Mary - Holy Cross Parish; (2) immediate family of a registered and practicing member (minimum of one year) of St. Mary-Holy Cross Parish; or (3) a resident (minimum of one year) of Washington Township.

Internment spaces may be purchased by anyone of the immediate family or agent of the immediate family who is over the age of 18 and competent to make the purchase.

“Immediate Family” includes an individual, husband, wife, domestic partner, children natural, adopted or stepchildren who are legal dependents of the family at the time of purchase of the lots, and their children over the age of 18 who are incapable of self-care because of a mental or physical disability.

If the purchase of a lot is being made for a family member who is over 18 years of age and incapable of self-care, the purchaser must submit a request in writing to the Holy Cross Cemetery Committee explaining the reason the person over age 18 is incapable of self care. Whether the person for whom the request to purchase is being made qualifies for the purchase will be determined based upon the information submitted by the purchaser and any additional information the Cemetery Committee believes is necessary to make the decision, including, at the sole

discretion of the Cemetery Committee, a request for an oral or written explanation by the purchaser. The decision to allow the purchase of the lot will be made by a majority vote of the entire Cemetery Committee and not by a simple majority of a quorum of the Cemetery Committee at the meeting where the request is being heard.

4. The number of lots which can be purchased are limited to the number of members of the immediate family, as defined above, at the time of the purchase.
5. Additional lots may be purchased by the immediate family at a later time so long as the person or persons for whom the lots are being purchased meet the definition of "immediate family" as set forth above.
6. The Cemetery Committee, upon a sixty percent (60%) or more vote of the entire Cemetery Committee, reserves the right to make exceptions to this Section of these Rules so long as it is in the best interest of HC Cemetery and what the Cemetery Committee believes is in the best interest of the person for whom the request is being made.
7. Any director, officer, agent, employee, or trustee of the cemetery shall not be liable for damages or other relief, or be subjected to any action in any court of competent jurisdiction for refusing to commit any act in violation of these policies.

## Disclosure of Prices and Fees:

### Section: #2

1. Holy Cross Cemetery Committee will assure full disclosure of all fees required for interment, entombment, or inurnment of human remains.
2. Holy Cross Cemetery Committee will be responsible for assuring written disclosure and record maintenance of the following, prior to the sale of interment rights:
  - a. the current price for plot and any related costs and,
  - b. recommended plot location

## Transfer of Interment Rights:

### Section: #3

1. Any lots purchased from the Holy Cross Cemetery may be transferred by the purchaser, or agent of the immediate family, to anyone who qualifies to be buried in Holy Cross Cemetery as defined in Section #1 of these Rules. Prior to any such transfer a request for transfer must be made in writing to the Cemetery Committee and approved by a by a majority vote of the entire Cemetery Committee, and not by a simple majority of a quorum of the Cemetery Committee at the meeting where the request is being heard. If the purchaser wants to transfer lots to someone other than to persons who qualify to be buried in Holy Cross Cemetery, the lots must first be offered for re-purchase to the Holy Cross Cemetery at the original purchase price. If Holy Cross Cemetery declines to re-purchase any or all of the lots, the remaining lot or lots may be transferred at the sole discretion of the purchaser or agent of the immediate family.
2. Upon written request, and so long as the lots previously purchased by the immediate family are available, the Cemetery Committee may consider requests by the immediate family to use the lots previously purchased to bury other extended family members or friends who were not qualified for a burial at Holy Cross Cemetery at the time of the original purchase.
3. A conveyance of rights of interment shall be filed and recorded in the official cemetery record which is held in the Holy Cross-Saint Mary's Parish Offices. Any transfer of the ownership of interment rights shall be filed and recorded in the official cemetery record which is held in the Holy Cross-Saint Mary's Parish Offices. The cemetery committee may charge a reasonable recording fee to record the transfer of interment rights which will be indicated at the time of the purchase of an internment space.

**Disclosure Requirements - Interment Agreements:**  
**Section: #4**

1. An agreement for interment rights shall be written in clear, understandable language and do all of the following:
  - a. Identify the seller and purchaser.
  - b. Identify the salesperson.
  - c. Specify the interment rights to be provided and the cost of each item.
  - d. State the conditions on which transfer will be allowed (Section #3).
  - e. Set forth the total purchase price and the terms under which it is to be paid.
  - f. State that the agreement cannot be changed or modified without the written agreement between the Cemetery Committee and the purchaser.
  - g. State the amount or percentage of money to be placed in the cemetery's care and/or maintenance fund.
2. The cemetery's care fund will allow for restricted gifts approved by the cemetery committee. The care fund's income shall be used by the cemetery for its care. (See Fund Definitions)
3. Written inquires or complaints should be mailed to: Holy Cross Cemetery, Attention Committee Chair, PO Box 110, Elkhart, Iowa 50073.

**Records of Interment Rights and Interment:  
Section: #5**

1. For transfers of interment rights made on or after June 1, 2000, Holy Cross Cemetery will maintain complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:
  - a. The date the remains are interred.
  - b. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
  
2. For interments made on or after June 1, 2000, Holy Cross cemetery shall keep a record of each interment in a cemetery. The records shall include all of the following:
  - a. The name and last known address of each owner or previous owner.
  - b. The date of the original purchase or transfer of interment rights.
  - c. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.