

## **The Flynn Cemetery Association, Inc.**

### **Rules and Regulations**

#### **Foreword**

It is the desire of the Board of Trustees of the Flynn Cemetery Association, Inc. to make the Flynn Cemetery a beautiful and quiet resting place for the deceased. Anything which would mar the general beauty and harmony of the cemetery must be avoided. Peace and good order must prevail, and the sacredness of the property be maintained at all times. It is to this end that these Rules and Regulations have been adopted.

All Owners of Interment rights, visitors, and contractors performing work within the cemetery property shall be subject to said Rules and Regulations and amendments as shall be adopted by the Trustees.

The official records of the Flynn Cemetery Association shall be maintained at the designated Corporate Office address which is 642 Hallsboro Road North, Hallsboro, NC 28442.

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#### **Section I – Definitions**

**Board** – The Board of Trustees of the Flynn Cemetery Association, Inc.

**Burial Rights** – The Cemetery property is not for sale. Assignment to and access for burial on Cemetery property is by “Burial Rights” as defined by the Trustees in these Rules and Regulations.

**Burial Rights Holder** – A person or group of persons with whom Burial Rights has been assigned by the Board of Trustees.

**Cemetery** – A burial park for earth interments, a community mausoleum for vault or crypt interments, or crematorium and columbarium for cinerary interments, or a combination of one or more of the above. In particular for these Rules and Regulations “Cemetery” refers to the Flynn Cemetery.

**Contractor** – Any firm, person, corporation or anyone engaged in placing, erecting, or repairing any memorial, or performing any work in the cemetery grounds.

**Interment** – The permanent disposition of the remains of a deceased person by cremation and inurnment, entombment, or burial.

**Lawn Section** – That part of Cemetery property cleared, surveyed, and platted during or after 2008.

Ledger – a one piece granite or marble slab used to cover the top of the grave.

Lot – A division of the cemetery property in which one or more plots are included.

Management – The person or persons authorized by the Board of Trustees to conduct and administer the business of the Flynn Cemetery.

Marker – A memorial installed flush with the ground.

Memorial – A monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, urn crypt or niche place.

Old Section – That portion of the Cemetery property established for burials prior to 2008.

Plot – A Space of sufficient size to accommodate one adult casket/vault interment. The size of one plot is five (5) feet wide and ten (10) feet long or as may be approved by the Trustees.

## **Section II – Burial Rights, Plots and Lots**

1. Cemetery property is not for sale. Assignment to and access for burial on cemetery property is by "Burial Rights" as defined by the Board of Trustees.  
In the "Old Section" of the cemetery where family lots were designated prior to 2008, Burial Rights are determined and assigned depending on whether or not space is available in an existing family lot location for an eligible individual. *See Appendix A for information concerning eligibility.*  
In the "Lawn Section" of the cemetery Burial Rights may be purchased. The price of Burial Rights for a single plot or lot (group of plots) is as determined by the Board of Trustees and may change as deemed necessary. Conveyance to the Burial Rights Holder will be by simple contract signed in duplicate by the Board Secretary or appointee and the Buyer of the Burial Rights. *See Appendix A for schedule of prices and fees.*
2. Lots of various sizes are available in the Cemetery in increments of the standard 5 foot wide by ten foot plot space. Plots may not be subdivided except for burial of cremated remains. In the case of the burial of cremated remains, it will be acceptable to place no more than six ash vault containers in a single 5'x 10' plot that is dedicated for cremation remains burial. *See Appendix C for approved cremation urn/vault placement.*
3. No plot may be used for any purpose other than the burial of the human dead.
4. No easement or right of interment is granted to any Burial Rights Holder in any road, drive, alley, or walk within the Cemetery. Such road, drive, alley, or walk may be used as a means of access to the Cemetery or Cemetery buildings.
5. The right to enlarge, reduce, re-plot, or change the boundaries or grading of the Cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, or walks, or any part thereof is hereby reserved.
6. The right to lay, maintain and operate, or alter or change pipe lines or gutters or sprinkling systems, drainage, etc. is expressly reserved.
7. The right to use cemetery property where burial rights have not been conveyed or reserved to or for individual persons for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient is reserved.



8. The Cemetery reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over plots for the purpose of passing to and from other plots.
9. Descriptions of plots and lots will be in accordance with the Cemetery plats which are kept on file by the Board.
10. It is the duty of every Burial Rights Holder to notify the Board of any change in his/her post office address and any other recorded means of notification that has been provided to the Cemetery for receipt of mail, email, other notice. Notice sent to any Burial Rights Holder at the registered address on file in the office of the Board shall be considered sufficient and proper legal service.
11. The transfer of Burial Rights interest in any plot, lot, or grave space shall be made only on forms provided by the Flynn Cemetery Association, Inc.. No transfer or assignment of ownership of any interest in any plot, lot, or grave space shall be valid without being approved by the Trustees and recorded on the records of the Cemetery.
12. Transfer or sale of Burial Rights by the Burial Rights Holder allowing interments to be made on lots for compensation is prohibited.
13. The Board reserves, and shall have the right to correct, in such manner as it may deem reasonable, any errors that may be made by it either in the description, transfer or conveyance of any Burial Rights.

### **Section III – Memorials and Memorial Works**

1. Lot corner posts – (old section of cemetery) – Lot corner posts shall be of monumental stone and be placed level with grade and shall not be larger than six (6) inches by six (6) inches in size. Initials are required by these regulations for identification of the lot to be incised (cut in), not raised. All corner posts shall be located and set by the Burial Rights Holder, under the supervision of a representative of the Board. Posts must be set within 30 days of Board's agreement on location.  
Lot corner posts are not required in the Lawn Section of the Cemetery. Each plot in that area is marked by underground markers already put in place by survey.
2. Family Monument – (old section of cemetery) – A central family monument on a lot is prohibited. Each grave or group of graves may only be marked by individual headstones or by a headstone marking adjacent graves.
3. Prohibited material – Memorials or markers, even for temporary use, of cement, artificial stone, composition, wood, tin, or iron shall not be permitted in lieu of monumental stone. Exception: the small grave markers put in place by the funeral director are considered acceptable for a period of up to 90 days following an interment.
4. Right to Remove – Should any monument become unsightly, dilapidated, or a menace to visitors, the Board shall have the right to, at the expense of the owner, either correct the condition or to remove the same.
5. Markers on single or adjacent graves in sections developed after 2008 are allowed to be individual headstones. Footstones and ledgers are prohibited in the Lawn Section. Headstones

may not to exceed 16" wide x 64" long for a double marker and 16" wide x 56" long single marker.

6. When vaults containing urns with cremated ashes are interred, at grade individual markers shall be placed over each vault location. *See Appendix B and C attached.*
7. Veterans markers, supplied by County or Federal government agencies, are restricted to flush bronze or granite markers 12" x 24" in sections opened after 2008 and standard upright markers in the old section of the cemetery.
8. No coping, curbing, hedging, grave mounds, borders or enclosures of any kind shall be allowed around any plot, lot, or ground space. No walks of brick, cinders, tile, stone, marble, terracotta, sand, cement, gravel, or wood or other material installed by other than the Board are allowed in the Cemetery. Temporary decorations must be removed by the family within a reasonable time after the funeral including flower arrangements, toys, lighting, etc. unless approved by the Trustees.
9. Prior to placement of any memorial or marker, a written approval or authorization must be obtained from the Board or its authorized representative by the contractor placing the structure. *See attached authorization form.*
10. Placement of benches or stone seating adjacent to graves is prohibited.
11. Placement of ledgers on graves in the Old Section is discouraged by the Trustees to facilitate Cemetery maintenance. Placement of ledgers in the Lawn Section is prohibited.

#### **Section IV – Interments, Disinterments, and Removals**

1. The right is reserved by the Board to insist upon 36 hours notice prior to any interment and at least 7 calendar days notice prior to any disinterment.
2. No interment shall be allowed until the following process is complete:
  - a) The funeral director handling the deceased shall contact the Board for written Authorization to Proceed with interment. If email or telephone approval is granted the funeral director must complete and provide a completed form with all information filled in as soon as possible.
  - b) The following information must be furnished with the request: name and address of the deceased and name, address, and phone number of nearest relative.
  - c) A representative of the Board shall certify the Authorization to Proceed and provide validation that the planned interment is properly located.
3. No interment of two or more bodies shall be allowed in one plot (grave) except in the case of mother and child or two infants under the age of 1 year which are buried in one casket or as allowed for interment of cremated remains (See Section II, Paragraph 2 above and Appendix C).
4. When an interment is made in a plot that is a part of a family lot, the location of such interment shall be designated by the Holder of the Burial Rights or his legal representative.
5. Only a licensed Funeral Director shall be authorized to open a grave with the following exceptions:



- a) When the Board is directed to make a disinterment by the order of a court of competent jurisdiction and a certified copy of such order has been filed with the Board. In such case the disinterment nor the costs thereof shall be the responsibility of the Board.
  - b) When the Coroner or other Medical official directs the disinterment for the purpose of holding an inquest and has filed with the Board his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the Official or his lawful agents, the cost of which shall not be the responsibility of the Board.
  - c) Cremated Remains – Removal of buried vaults containing cremated remains will not be allowed without signed written permission of the next of kin or the Burial Rights Holder having been provided to the Cemetery Trustees prior to removal activity. *See also paragraph IV-6 below.*
6. The Cemetery shall in no way be liable for any container, receptacle, or urn containing cremated remains placed in any plot.
  7. Scattering of cremated ashes on Cemetery property is prohibited.
  8. In order to maintain a high standard of care and to eliminate “sunken” graves caused by collapse of wooden boxes, all burials shall be made in outside containers made only of approved materials. All such containers must be so made and installed as to meet specifications provided in *Appendix B* as attached to these Rules and Regulations.
  9. All charges associated with interment or disinterment as scheduled in *Appendix A*, as attached to these Rules and Regulations, shall be paid to the Board before activity to complete the interment, disinterment or re-interment may begin. Payment to the Funeral Director handling the deceased shall constitute payment to the Board.
  10. All interments, disinterments, and removals must be made at the time and manner approved by the Board and upon receipt of the charges fixed by the Board.
  11. Besides being subject to these Rules and Regulations, all interments, disinterments, and removals are subject to the orders and laws of the proper public authorities having jurisdiction.

#### **Section V – Care of Lots**

1. The Board will take all reasonable precautions to protect Holders of Burial Rights and their designated area within the Cemetery property from loss or damage; but the Board distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, acts of God, common enemies, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than provided herein these Rules and Regulations.
2. The Board reserves the sole right to plant shrubs, trees, flowers and other green landscaping within the Cemetery boundaries. The Board also reserves the sole right to remove any green landscaping that is not approved. Holders of Burial Rights are prohibited from planting shrubs, trees, flowers and other green landscaping, etc. within the Cemetery boundaries.

3. The general care of the Cemetery is assumed by the Board and includes the cutting of grass at reasonable intervals, the raking and cleaning of the grounds, the pruning and removal of shrubs, trees, and flowers, placement and maintenance of signage, fences and gates, and other such activities as may be incidental to the general upkeep of the property.
4. The general care of the Cemetery assumed by the Board shall in no case mean the maintenance, repair, or replacement of any memorial placed or erected upon lots; nor the doing of any special or unusual work in the Cemetery, including work caused by impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work on any section or lot, or any portions thereof in the Cemetery except as may occur to such statuary or signage as has been placed by the Board for general aesthetic enhancement of the Cemetery property in general.
5. Repairs to grave markers and the placement of a standard marker may be undertaken by the Board if it determines that there is not a surviving responsible person available to care for the memorial.
6. Expenditure limited to income: Permanent maintenance, whether applied to lots, graves, mausoleums, or to any space within the confines of the Cemetery shall be limited absolutely to the income received from voluntary gifts and the investment of the permanent maintenance fund. Anything stated herein to the contrary is not withstanding.

#### **Section VI – Prohibitions and Miscellaneous Rules**

1. Persons within the Cemetery shall use only the roads, walks, and alleys. No one is permitted to walk upon or across lots or lawns unless it be necessary to do so to gain access to one's own lot. The Board expressly disclaims any liability for any injuries sustained by anyone violating this rule.
2. The following activities are prohibited:
  - a) The driving of motor cars or other vehicles through the gates of the cemetery at excessive speeds.
  - b) Driving any motor car, vehicle or animal across or upon any grave or lot or lawn or parking or leaving the same thereon.
  - c) Parking or leaving any motor car or vehicle on any road or driveway within the Cemetery at such location or in such a position as to prevent any other car or vehicle from passing the same. If so parked or left abandoned the vehicle may be towed from the property at the vehicle's owner's expense.
  - d) Bicycle or motorcycle riding except as may be in attendance at funerals.
3. Children under 16 years of age are not permitted in the Cemetery unless accompanied by proper persons to take care and be responsible for them.
4. Throwing or disposing of trash or rubbish on Cemetery property is prohibited and any trash debris should be removed by the producer.
5. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, benches, bases, battery operated lights and similar articles upon lots will not be permitted and if so placed the Board reserves the right to remove and dispose any and all it deems necessary.



6. It is required that all persons within the Cemetery avoid conduct unbecoming a sacred place; therefore the following is prohibited:
  - a) Loud or boisterous talking
  - b) Idling or loafing on the grounds
  - c) Bringing lunches and refreshments into the Cemetery or consuming them on the grounds
  - d) Peddling or soliciting the sale of any commodity within the Cemetery
  - e) Placing of signs or notices or advertisements of any kind within the Cemetery
  - f) Bringing dogs into the cemetery unless on a leash
  - g) Bringing firearms into the cemetery – no exception for concealed carry permits
  - h) Hunting on the property or allowing hunting dogs to run on the property
7. All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, attaching items to trees, shrubbery, or plants, or feeding or disturbing birds or other animal life within the grounds of the Cemetery.
8. No person shall enter the Cemetery except through the gates, which shall be open from sunup to sundown.

#### **Section VII – Conveyance and Availability**

1. These Rules and Regulations as amended from time to time as the need arises are made available to any interested party. A copy shall be provided at the time of purchase of burial rights to the purchaser or designee. All others may request a copy from the Secretary of the Board of Trustees of the Flynn Cemetery Association, Inc. by personal request, by mail, by email. The Board will endeavor to post the most recent version of the Rules and Regulation as amended on the Flynn Cemetery website.
2. It is the duty of the Board to see that rules and regulations are complied with, that order is maintained and to protect and promote the best interests of the Cemetery. To that end the Board may make temporary additional rules or regulations which may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations.
3. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Board, therefore, reserves the right to make exceptions, authorize suspension or modifications of any of these Rules and Regulations, without notice, when in the judgment of the Board such action appears necessary. Such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.
4. The Board hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations, at any time, and without notice.

These Rules and Regulations may be enforced by proceedings at law or in equity either to restrain violation or to recover damages against any person violating any Rule or Regulation herein contained.

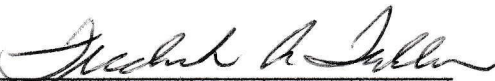
Invalidation of any provision hereof by judgment or court order shall in no wise affect any other provisions, which shall remain in full force and affect.

The Rules and Regulations set forth herein shall become effective immediately upon the approval of the majority of Trustees attending a regularly scheduled or special Board meeting and voting on the adoption of the Rules and Regulations or the amendment to the Rules and Regulations and shall remain in full force and effect, until modified, changed, altered, or rescinded by the Flynn Cemetery Association, Inc.

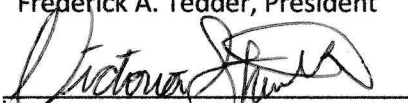
The Rules and Regulations set forth hereinabove shall run with the land. If any person or persons shall violate or attempt to violate any of the Rules or Regulations herein applicable to said Cemetery, it shall be lawful for the Trustees only to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such Rule or Regulation, and to prevent him or them from doing so.

**IN TESTIMONY WHEREOF**, the Flynn Cemetery Association, Inc. has caused these presents to be signed in its name by its President, and its Corporate Seal affixed and attested by its Secretary, all by the order of its Board of Trustees, this the 15th day of May, 2020.

**THE FLYNN CEMETERY ASSOCIATION, INC.**

By:   
Frederick A. Tedder, President

Date: 5/15/20

Attest:   
Victoria Stubbs, Secretary

Date: 5/15/20 (Seal)

**Attachments:**

- Appendix A – Schedule of Fees
- Appendix B – Vaults and Grave Markers
- Appendix C – Burial of Cremated Remains