

**ADOPTION OF RULES AND REGULATIONS
FOR THE MENDENHALL CEMETERIES**

This manual has been organized for the purpose of an orderly operation of the Mendenhall Cemetery. Over the years the old cemetery has operated without written rules and regulations. As of December 12, 2006, the city of Mendenhall granted complete authority to the Mendenhall Cemeteries Association regarding any decision or request related to the entire Mendenhall Cemetery and will provide financial support toward the operation of the cemeteries. The Mendenhall Cemeteries Association will not sell any plots in the City of Mendenhall's owned property of the Old Cemetery. The cemetery is organized into two sections. The old part is named Mendenhall Cemetery and the new part being named Mendenhall Cemetery West. The first section of manual will apply to what is expected in both cemeteries. The second section of the manual will deal primarily with the process of selling burial sites, laying out burial sites in the cemetery and preparing quitclaim deeds in the Mendenhall Cemetery West.

**MENDENHALL CEMETERIES RULES AND REGULATIONS
PREFACE**

The Mendenhall Cemetery is a sacred place and the Board of Directors of the Cemetery is endeavored to safeguard the rights of the owner's property while providing guidelines for total uniformity and beauty of the cemetery. We trust that every property owner is genuinely interested in the successful enforcement of these rules and regulations. The rules are necessary to assure the proper management of the cemetery for generations to come.

The Mendenhall Cemeteries Association, Inc. is an incorporated non-profit association. We are not required to file an income tax form each year. Financial records will be kept and approved by the Board of Directors. Our Charter is current and filed with the Mississippi Secretary of State.

The purpose of the Mendenhall Cemetery Association is to maintain and improve the Mendenhall Cemetery, to establish a Perpetual Care Fund, to acquire additional burial property as needed, and to establish rules and regulations for the cemetery. Initiating the method of obtaining funds necessary to organize and implement that purpose is the responsibility of the elected Board of Directors.

The Board of Directors will meet on the fourth Tuesday of each month at 6:00 P. M., except during some of the summer months and some winter holiday months. These dates will be set by the President and the Board of Directors.

There will be an Annual Meeting held every fourth Tuesday of April at 6:00 P. M. This meeting will be announced by newsletter and in the local papers.

All persons are urgently and respectfully solicited to conform to these rules and regulations.

All monies received for burial plots or as contributions including memorials will be used for the maintenance of the cemetery to include the purchasing equipment for upkeep, paying a grounds keeper, purchasing other property when necessary, mailing information for the annual meeting and increasing the Perpetual Care Fund. Receipts will be given for donations of \$250.00 or more. Members of the Board of Directors are volunteers and do not receive any compensation for their work.

The Mendenhall Cemeteries Association will sell plots in the Mendenhall Cemetery West. For each single interment in any of the Mendenhall Cemeteries, there will be a burial fee assessed. This will be collected as a maintenance fee and will be payable to the Mendenhall Cemeteries Association, Inc. and deposited into the cemetery maintenance fund. Please reference the current fee schedule for details.

SECTION ONE

APPEARANCE OF THE CEMETERY

The lasting beauty of the cemetery is dependent upon controlled planting and maintenance of trees, shrubs, and lawns. It is not the intent of this policy to limit the rights of the burial grounds owners, but rather to insure consistent standards of appearance in all areas of the cemetery.

Trees, Shrubs, Plants and Planting

1. Any tree, shrubs, or other plants may be removed or replaced at the discretion of the Cemetery Board, in order to prevent disease of plants, over crowding conditions or damage to burial sites. The Board is under no obligation to replace any tree, shrub, or any other plant which has been removed for any reason. Families are not allowed to plant live plants or trees in any of the Mendenhall Cemeteries.
2. Care of the cemetery lawns is the responsibility of the Cemetery Board. All of the cemetery lawns should be mowed at the same time by the cemetery caretaker. Selective mowing of e.g., on one burial plot, detracts from the appearance of uniformity.

Grave Decorations

Placement of floral tributes on the graves of those interred in the Mendenhall Cemetery or Mendenhall Cemetery West is encouraged, provided certain regulations are followed to insure the pleasing appearance of the cemetery. These are:

1. Floral tributes consisting of real or artificial flowers are the recommended type of grave decorations.
2. All grave decorations are to be removed from an individual grave when such becomes unsightly. It will be the responsibility of the family or friends of the deceased to remove old and faded flowers and to ensure the compliance of this regulation. If not done in a timely manner, it will become the right of the Cemetery Board to have the unsightly grave decorations removed by the cemetery caretaker.
3. In the future, no pottery, crockery, tin, glass, or ceramic decorations or containers will be allowed in the Mendenhall Cemetery or Mendenhall Cemetery West. No metal or plastic pipes, wires, rocks, bricks, gravel or concrete may be used to secure any grave decoration to the ground. Such material can also cause serious injury and will be removed.

4. Items not permitted in the Mendenhall Cemetery West include:

- A. Slabs of any type or material.
- B. Corner markers of any type
- C. Stone Chips or “Homemade” memorials of any type
- D. No benches, chairs, or table should be placed by the gravesites

CEMETERY OPERATIONS POLICY

Hours of Operation

The Mendenhall Cemetery is open to the public from sunrise to sunset daily. Any person found on the cemetery grounds after dark will be considered a trespasser and may be subject to arrest.

Conduct of Visitors

The cemetery is a sacred place, and all visitors are expected to conduct themselves accordingly. The following are expressly prohibited.

- 1. Alcoholic beverages and persons under their influence
- 2. Illegal drugs of any kind
- 3. Littering
- 4. Unleashed animals
- 5. Carrying or discharging a firearm (Except an on-duty law enforcement officer)
- 6. Any conduct not appropriate to a public cemetery.

Route of travel of funeral procession in cemetery

The route of travel for funeral processions in the cemetery is determined by the road signs displayed at entries to the grounds. The Board of Directors has the authority to make changes in such routing when necessary.

BURIAL SITE CORNER MARKERS

It is mandatory that all burial sites located in sections D, E, & F have initialed granite corner markers indicating the boundaries of their property. The responsibility for erecting the corner markers rests with the family members owning that property. Corner markers will not be used in the new Mendenhall Cemetery West.

Other than the head stone monuments noted in this manual, only the flat military monument granted to military veterans will be permitted on the burial site and it must be laid flat on the ground in order to avoid problems with the mowing equipment.

OWNERSHIP OF PROPERTY RIGHTS

Ownership of property rights to burial sites in the Mendenhall Cemetery has been a problem for many years to those people responsible for maintaining the cemetery in a proper manner. When the burial sites were purchased from a land owner over the years, a quitclaim deed was given to the purchaser to designate the purchaser as the rightful owner of the burial sites. The deed should have been recorded in

the Simpson County Chancery Clerk's office certifying the purchaser as the rightful owner of that property. Not all deeds were recorded and no corner markers were erected at that such time, and, as a result, the deed may have been lost or passed on to other family members or forgotten. This meant that there was no record to prove who owned the burial site. When a family member died, the family quite often would request a Board member to find the correct burial site. In the future, it will be mandatory for purchasers of burial sites in the Mendenhall Cemetery (sections D, E, & F,) and new Mendenhall Cemetery West to have the deed recorded at the Chancery Clerk's office in the Simpson County Courthouse immediately after purchase.

DEEDS OF OWNERSHIP

It is suggested that those who have burial sites in Sections D, E, & F of the Mendenhall Cemetery and expect to be buried there in the future check to see if they have a signed deed that would certify the fact that they do own that property. Having an approved deed to the property in hand will normally solve most of these problems even though it may not be recorded at the Chancery Clerk's office. It is acceptable for verification. It certifies that the owner, family member, or a friend owns the property, and that is all that is needed. In many instances where the deed to the property is handed down to other members, the family member should be able to explain this if requested by a cemetery worker. This is done in order to prevent an unauthorized person being buried in that site.

Many times, a burial site owner may give a grave site to a friend, but no deed was ever given to this person. Therefore, nothing was ever recorded at the Chancery Clerk's office. If this friend dies, his survivors will want him buried in the grave site promised him, but there might not be any evidence supporting that this grave site was given to him. To be buried in a burial site owned by someone else must be approved by the site owner, family member, or heir. It is imperative that the person giving the burial site to a friend give that person a quitclaim deed as proof that the person owns the grave site. In addition, a copy must be given to the Cemetery Board secretary. When a person dies, the burial site owner, family member, heir, or designee must mark for the grave-digger the exact spot where the deceased will be buried in the cemetery. (sections D, E, & F, only). This is not the responsibility of the cemetery committee. If a person is buried in a grave site owned by someone else, the person that made that decision will be required to pay the cost of having the grave moved.

CREMATION

It is not the responsibility of the Mendenhall Cemeteries Association, Inc. to assist, advise or be held liable in any transfers or sales of interest of ownership among individuals within the old section off cemetery. (Sections A, B, & C.) Deeds were not given when those plots were claimed.

In summary, it is very important that persons having burial sites in the cemetery know exactly where they are located and have a deed to prove it.

Cremated bodies may be buried in any of the cemeteries. No more than two cremated bodies will be allowed per plot.

SECTION TWO

THE NEW MENDENHALL CEMETERY WEST

For several years, the Mendenhall Cemetery has struggled to meet the demands of the public for additional burial sites in the cemetery. The burial property was purchased just west of the present cemetery and is now selling burial sites. The operation of the new Mendenhall Cemetery West will be different from the older sections. In the past, the burial sites were sold by the person that owned the land and was not controlled by the Cemetery Board of Directors. The new cemetery is owned by the Cemetery Association, and, therefore, it must be responsible for procedures to follow in developing this property.

The new cemetery will be named Mendenhall Cemetery West. The older cemetery, parts of which have been in use for 142 years, will continue to be named Mendenhall Cemetery. It will consist of the entire area including Sections A, B,C,D,E & F.

OVER VIEW OF THE MENDENHALL CEMETERY WEST

Mendenhall Cemetery West will be laid out in rows designed by computerized instruments, and the burial sites on these rows will be lined up as straight as possible. The committee designee will be responsible for assuring that the grave site to be opened is the correct one, that all required measurements performed carefully, and that everything is in order before allowing the grave digger to open the grave. In essence, his job will be to prepare the burial site for funeral arrangement. No one can make this decision except the designee. Due to the space that has been reserved for each grave site in the cemetery, the sites can be opened by the earth moving equipment without having to cross over any graves, grave sites, or other objects. The Association will keep a record of plot ownership for the Mendenhall Cemetery West.

PROCEDURES TO FOLLOW WHEN SELLING BURIAL SITES IN THE MENDENHALL CEMETERY WEST

The procedures for selling burial sites in the new Mendenhall Cemetery West will be determined by the Board of Directors. Mendenhall Cemetery West is owned by the Cemetery Association, and, therefore, the association must be responsible for developing procedures to follow in selling the burial sites. Preparation of a burial site quitclaim deed will be crucial, and follow-up on closing the purchase will be most important.

The cemetery committee members that perform these responsibilities must have a thorough knowledge of the new cemetery, including the cost of the burial sites, how to prepare deed forms and how to use the results.

When a person purchases a burial site or sites in the new cemetery, it will be the responsibility of the committee member to fill out the quitclaim deed and make sure that everything is correct. Payment for the burial site must be paid at the time the deed is completed and a receipt given to the buyer. The buyer is responsible for recording the deed. A copy of the deed will be kept with the permanent records of the Mendenhall Cemeteries Association, Inc.

The money received from the sale of a burial site must be turned over to the Treasurer of the Cemetery Board. Any sale or transfer of ownership made by an owner of a burial site acquired from the Mendenhall Cemeteries Association, Inc. has to be approved by the Cemetery Board of Directors prior to the sale and a copy of the new recorded deed provided to the Board.

PROCEDURES TO FOLLOW IN OPENING A GRAVE FOR BURIAL

When a person dies who has a burial site in the cemetery, family members should notify the funeral home that will be responsible for the funeral. At the same time, a committee member should be contacted and a time set to meet at the cemetery with a family member to prepare the grave for burial. A committee member should check deeds to see if the deceased person is the rightful owner of the burial site. The tier number, block number and the lot number of that grave will be checked closely to determine if it is the correct grave site. The family member should have a copy of the deed to that burial property in possession at that time. If everything is in order, he will authorize the grave to be opened. No one but committee members and designees have the authority to make these decisions.

The funeral home responsible for the service will make arrangements for digging the grave. No other people will be allowed to dig graves in the cemetery.

FEES

A one-time burial fee (reference current fee schedule) will be imposed for each burial of coffins or crematory urns in any of the cemeteries. The fee will be collected for the association by the funeral home handling the burial or a bill will be mailed to a member of the family of the decedent from the association. The fee will be used to offset cost for the care and maintenance of the cemeteries.

MONUMENTS

Monuments may be installed in the cemetery as set forth in these rules and regulations. All monuments will be installed along the center line of the burial site and in such a way that the base of the monument lies perpendicular with the direction of the grave spaces in the lot.

A. No more than one monument may be installed on any one grave space providing it meets length and height qualifications of the committee.

B. A double monument may be installed on the center line between husband and wife providing the monument meets the length and height qualifications. No double monument shall be installed having a width exceeding 72 inches (six feet). Depth of such monuments may be no more than 18 inches. No single monument may be installed having a width exceeding 48 inches (four feet) and depth of 18 inches.

A committee member or his designee should be present when a monument or grave marker is installed in the Mendenhall Cemetery West. All markers at the foot of the grave should be at ground level. Each plot owner has the right to use either a monument or a flat marker.

**Please be advised that the information in this document is subject to change without notice. The most current document is available from the Associational web site and/or the president.

REVISED AND UPDATED
APRIL 2008; APRIL 2009; JULY 2010