

# **RULES, POLICIES AND REGULATIONS RELATED TO THE COLUMBARIUM OF PRESTON HOLLOW PRESBYTERIAN CHURCH**

9800 Preston Road, Dallas, Texas 75230

**As Amended and Approved by the Session on September 28, 2015**

## **I. PURPOSE**

The Columbarium of Preston Hollow Presbyterian Church (the “Columbarium” and the “Church”) has been created to provide a space for depositing (“inurnment” of) cremated remains (“cremains”) of deceased Church members and other eligible persons.

## **II. GOVERNANCE**

- A. *The Columbarium Committee (the “Committee”).*** The Columbarium is owned by and is part of the Church. The Committee administers, operates and maintains the Columbarium under a delegation of authority from the Session.
- B. *Committee Membership and Appointment.*** The Committee shall consist of at least seven (7) persons, all of whom shall be members of the Church (the “Congregational Committee Members”) except for one, who shall be an ordained minister on the Church’s staff (the “Minister”).
- 1.** The Congregational Committee Members, at least one of which shall be an ordained Elder, shall be appointed by the Church’s “Pastor” (head of staff) and shall serve three (3) year terms; provided, however, two of the initial Congregational Committee Members shall serve only a one (1) year term and another two (2) of the initial Congregational Committee Members shall serve only a two (2) year term. The Pastor’s appointments of the Congregational Committee Members shall be subject to Session approval and confirmation. Any Congregational Committee Member may serve two successive three (3) year terms and may not be reappointed to serve again until having been off the Committee for at least one year. The initial terms of the Congregational Committee Members that are less than three (3) years shall not be considered in applying this rule. The Congregational Committee Members serve at the pleasure of the Session.
  - 2.** The Minister shall be appointed by the Pastor from time to time as the Pastor deems Appropriate.
- C. *Committee Functions and Duties.*** The Committee shall have authority to:
- 1.** Elect its own Chairman, Vice Chairman and Secretary/Treasurer.
  - 2.** Subject to approval by the Session, adopt its own internal rules and operating procedures, including the dates and times of regular meetings, the procedures for calling special meetings, the establishment of a quorum and the procedures by which votes are taken or decisions are made. In the absence of the adoption of any such internal rules and operating procedures, the quorum shall be a majority of the Committee’s members, and actions shall be taken upon a majority vote of the Committee members in attendance.
  - 3.** Subject to approval by the Session and consistent with these Rules, Policies and Regulations, establish policies for the sale of niches and the inurnment of cremains, and adopt and utilize contracts, forms and other documents necessary for or incidental to such sales and inurnments.
  - 4.** Receive proceeds from the sales of niches and make disbursements or expenditures as the Committee deems necessary for the proper administration, operation and maintenance of the Columbarium, subject to accounting for such financial transactions to the Session upon request, but in any event, not less than once a year. The Committee shall also establish and maintain in the Church’s name such account or accounts with financial institutions as the Committee

deems necessary in which to deposit receipts related to the Columbarium, including the proceeds from the sale of niches, and from which to make the disbursements or expenditures related to the Columbarium

5. Generally administer, operate and maintain the Columbarium consistent with these Rules, Policies and Regulations and the physical plans submitted to and approved by the Session, and maintain all records and documentation relating to the Columbarium, the sale of niches and all inurnments in the Columbarium

### **III. ELIGIBILITY FOR INURNMENT**

Inurnment in the Columbarium shall be limited to the cremains of any member or past member of Preston Hollow Presbyterian Church, and members of his or her immediate family. Members of his or her immediate family shall include: spouse of the member or past member; parents, step-parents, grandparents or step-grandparents of the member or past member; children or step-children of the member or past member; the spouses of children or step-children of any member or past member; and grandchildren or step-grandchildren of any member or past member. Any minister or former minister and his or her spouse and members of his or her immediate family (as defined above) are also eligible. Requests for the inurnment of others may be honored if recommended by the Committee and approved by the Session.

### **IV. FEES**

The current one-time fee for the right of inurnment in the Columbarium is \$1,500 per niche. This fee includes up to two (2) urns, all costs directly associated with inurnment, inscription of names and dates, and perpetual care of the Columbarium. It does not include the cost of cremation, transportation and other off-premises cost. The fee may be changed in the future by the Committee if approved by the Session. Current holders of Inurnment Rights will neither be reimbursed nor assessed additional costs if the fee changes.

### **V. PURCHASE OF NICHES**

Each Niche in the Columbarium shall have a capacity of two urns. To purchase a niche, an eligible person should obtain a Columbarium packet from the Church office; this packet contains a copy of the Columbarium Brochure, the Columbarium Rules, Policies and Regulations and all applicable forms. The applicant should complete all appropriate forms and submit them, with payment in full, to the Committee. A member of the Committee will contact the applicant to insure that all information is correct and then submit the application to the Committee for final approval. When the application is approved, the applicant (now "Owner") will be issued a Certificate of Right of Inurnment ("Certificate").

### **VI. SELECTION OF NICHES**

When an application has been approved, the applicant will have the right to select any niche(s) which may be available at that time. If more than one application shall have been approved on the same date, the rights of preference shall be based on the date and time the completed applications are received. No more niches will be sold to a family than those necessary to inurn the cremains of all eligible persons in that family, with two urns to a niche.

### **VII. WAIVER OF FEES**

Whenever he or she deems it appropriate, any called minister of the Church shall have the right to waive any part of or all the payment for a niche for anyone otherwise eligible, and who has recently died or for whom death is imminent. This shall be done discreetly, and the niche can be selected without prejudice from any of the remaining unsold niches by the person in need or his/her survivor(s).

### **VIII. MANNER OF OWNERS' DELIVERING OF ORDERS**

The Church and the Committee shall be held responsible only for written orders given in person or by certified mail, and shall not be held responsible for any mistake occurring due to the lack of precise written instructions as to either the inscription upon or the location of the niche where inurnment is desired.

### **IX. INURNMENT PROCEDURES**

- A. *Services.* Only an ordained minister serving Preston Hollow Presbyterian Church, or an ordained minister invited by the Pastor of the Church, shall be authorized to officiate at an inurnment service in the Columbarium. The committal service shall be at the convenience of the Pastor or minister and the family of the deceased to be inurned.



**XIV. TITLE AND RETAINED RIGHTS**

The holder of a Certificate acquires no property rights in the Columbarium, any of its niches or any of the Church's property. Legal title to the Columbarium and all niches remain with the Church at all times. The Certificate attests only to the right to inurn the cremains of the person(s) named on the Certificate in the specific niche also stated in the Certificate. Assignment of cremains to a specific niche shall constitute only a license to use such niche pursuant to these Rules, Policies and Regulations, as amended from time to time. In the event of a discrepancy between the Certificate and the administrative records maintained by the Committee, the latter shall take preference.

**XV. REMOVAL OF CREMAINS BY THE CHURCH**

- A. Cremains may not be removed from the Columbarium without the written consent of (a) the Church and (b) the Owner (or his or her legal representative or successors) of the Right of Inurnment. The rules stated in this section, *Transfer or Assignment*, shall apply.
- B. In the event that the Columbarium requires repairs in order to maintain its integrity, the Owner agrees to permit the temporary removal of any cremains until those repairs are completed.

**XVI. SECURITY OF CREMAINS**

The Church shall not willfully take any action or willfully fail to do any act that would result in the loss, destruction, or desecration of any cremains in niches. The holder(s) of the Inurnment Rights will assume the risk of the loss, destruction or desecration of the decedent's cremains from any or all other causes.

**XVII. TERMINATION OF THE COLUMBARIUM**

The Right of Inurnment will continue as long as the present Church edifice stands and is owned by the Church. If the present edifice is to be sold or demolished, and a replacement Columbarium will not be furnished at the new site, the Right of Inurnment will cease. In that event, the Church will notify the Owner (or his or her legal representative successors) that they must remove the cremains from the niche. If no one of such persons removes the cremains within a reasonable time or if no one of such persons can be contacted within a legal time, the Church has the right to relocate the cremains as it deems proper. No refund of any amount for the Inurnment Rights will be made.

**XVIII. PERSONAL CONDUCT IN THE COLUMBARIUM AREA**

The Columbarium is part of the Church and all persons in the Columbarium area are expected to conduct themselves in accordance with customary good decorum as normally observed in a Presbyterian Church. The Pastor and the Committee are empowered to enforce these rules and regulations and to exclude from the Columbarium area any person(s) violating these rules and regulations.

**XIX. PROTECTION AGAINST LOSS**

The Church may carry such insurance for its own benefit upon the Columbarium and contents as the Committee sees fit; however, there is no obligation upon the Church or the Committee to provide any insurance for the benefit of the inurnment right holders.

**XX. AMENDMENT OR WAIVER OF OPERATING RULES**

The Session of the Church may, at any time, amend, repeal, suspend, or waive any or all of the rules and requirements of these *Rules, Policies and Regulations*. Waiver of any rule or requirement shall not be construed, unless specifically so stated by the Session, to constitute a continuing waiver of that rule or requirement with respect to any situation or occurrence arising thereafter.