

RULES AND REGULATIONS  
And  
PERPETUAL CARE PROVISIONS

BRECKENRIDGE CEMETERY  
Breckenridge, Texas

The City of Breckenridge, a municipal corporation, hereinafter referred to as the City, owner of a cemetery to be hereafter known as Breckenridge Cemetery on portions of a tract of land described in a deed to said City, recorded in Volume 259, Page 333, and being on a plat, recorded in the County Clerk's Office of Stephens County, Texas, which plat is hereby referred to and made a part hereof, and having laid off or to be laid off walkways, parks, parkways, private driveways, and lots as indicated in the said plat for the use of the present and future owners of lots in said cemetery, but not for the public use, and contemplating the filing of additional plats showing extensions and other subdivisions of land and all of said additional plats when filed shall become a part hereof, and having in mind making improvements which will be necessary or beneficial in the operation of said Breckenridge Cemetery, and providing for the perpetual care of the lots sold by said City, and the parkways, walkways, private driveways and the other improvements therein for the purpose of perpetuating said cemetery, does hereby declare the following rules and regulations and provision to be in effect, subject to which the lots are sold and conveyed, and does hereby make the hereinafter agreement and covenants in behalf of purchasers of lots of said City.

Rules and Regulations

1. The owner of lots in said cemetery, whether person, firms or organizations, shall have the right of passage therein under such rules and regulations as the City may from time to time establish.
2. The gates of the cemetery will be open at 8:00 A.M. and closed at sundown, and no one will be allowed within the grounds before opening or after closing.
3. Visitors must keep to the walkways and driveways and not trespass upon any lot or grave.
4. Upon the arrival of a funeral, the undertaker or his representative must give notice to the Cemeterian and show a burial permit before the interment will be allowed to take place. At least eight hours work time must be given before interment.
5. Undertaker should arrange the time of funerals so as to be able to leave the grounds before closing time. On entering and while within the cemetery, funeral processions will be under control of the Cemeterian or his assistant. Undertaker employees must remain at their respective places and duties during funeral ceremonies, and otherwise conduct themselves properly and in accordance with the rules of the City.
6. Lots are sold for no other purpose than the burial of human dead, and for such incidental uses as are proper and suitable for a burial lot.
7. The City shall have the right to refuse any portion of ground owned by it to the use of any specific person or persons.

8. All interments in any lot shall be restricted to members of the family and relatives of the owner thereof, unless special permission to the contrary be obtained from the City.
9. No sale, assignment or transfer of a lot shall be valid without consent of the City, first had, and endorsed on such an instrument, to be entered on its records by an officer.
10. No advertisements of any form will be allowed in the cemetery.
11. When more than one person claims an interest in a lot, no visible dividing line will be allowed.
12. All lots are marked and put in order by the City.
13. Should there be an interment on a lot on which the payments have not been made as per terms of contract, the City reserves the right to reenter and hold the lot as of former estate before the execution of the contract.
14. It shall be the duty of the heirs or devisees to file with the City full proof of the ownership upon death of the lot owner.
15. Orders for interments and disinterment's must be made in writing by lot owners upon proper forms furnished by the City before the grave will be opened.
16. If the original owner is dead and there are two or more legal heirs, the order must be signed by all of them. If the lot is owned by an organization, the order must be signed by the proper officer having authorized power to act.
17. No double burial will be allowed in one grave except when the remains of the bodies can be placed in one ordinary box
18. No gravel, stone, brick, cement or artificial walks will be allowed upon the lots. No boxes, shells, toys, glassware, trinkets or similar items (other than sleeved vases), except they being attached to the base of an upright monument will be permitted to be placed on any space or lot.
19. No fencing, coping, or enclosure of any nature whatever will be allowed upon lots or graves, except cornerstones for lots which must be level with the ground, and made of unpolished granite or bronze to replace markers placed by the City. Initials allowed on only one corner.
20. No lot or grave will be allowed to be raised above the established grade.
21. Solar lights are not permitted.
22. Flower saddles allowed on upright stones only.

23. No benches, chairs or like items shall be permitted on any space or lot. The placing of flowers on a space or lot shall be in a sleeve-type metal container or hanging from a "shepherd's hook" type hanger. Only one flower arrangement per space will be permitted. The planting of trees, shrubs and bushes will not be permitted without prior approval.
24. For the following special dates, floral arrangements consisting of blankets (maximum size 4'x6'), easels and potted plants may be placed on grave sites three (3) days before through three (3) days after the date, except for Thanksgiving Day and Christmas Day, which will be five (5) days before and five (5) days after:

|               |              |                |                  |
|---------------|--------------|----------------|------------------|
| Easter Sunday | Memorial Day | Fourth of July | Thanksgiving Day |
| Mother's Day  | Father's Day | Veterans Day   | Christmas Day    |

At the expiration of the third day after the special date, if the individuals involved have not removed the decorations, the cemetery personnel have been instructed to remove them and not to keep them over 30 days. The City reserves the right to remove any plant, tree or shrub should the same become detrimental or unsightly.

25. Picking flowers, wild or cultivated, or injuring trees, plants, shrubs or other property in said cemetery is strictly prohibited.
26. Fast driving will not be tolerated. The speed limit throughout the cemetery is 10 mph. Vehicles must be kept strictly in the driveways.
27. Commercial vehicles, except for the delivery of materials for the construction and development within the grounds, will not be permitted.
28. The possession or consumption of illegal drugs or alcoholic beverages within the cemetery is strictly forbidden. Children must be accompanied by an adult. No one with firearms, no dogs or other animals, except guide dogs, shall be permitted in the cemetery.
29. Monument dealers must get a written order from the lot owner and the City must be given size, description and material before permit is given and before lettering, in order to be sure that the monument or marker can be used on the particular lot.
- (a) Only one family monument, if permitted at all, shall be placed on lot, same to be as near the center as practically possible. On most lots, no standing family monuments will be permitted; instead, monuments must be placed horizontal with the surface, size four feet by two feet by six inches. And on some lots, only individual grave markers, size two feet by six inches, set level with the grave are permitted.
  - (b) Standing monuments must not be less than thirty inches nor more than sixty inches in height. Natural granite only is permitted.
  - (c) Grave markers must be of natural granite, bronze or marble, size two feet by one foot, and must be placed flush with the surface. No temporary marker of any type will be permitted longer than 90 days.

- (d) All work must be completed as fast as possible, under the inspection of the Cemeterian, and materials not used removed when the work is completed.
  - (e) No monumental structure of any kind shall be removed from any lot under claim that it is not paid for, or any other pretense, without authority from the City.
30. (a) No markers, trees or flowers shall be allowed between the single grave rows.
- (b) Semi Annual Clean-up – Items are kept for 30 days then they are discarded.
- (c) The space and walk around single graves remain the property of the City. Each grave is numbered with metal markers by the City.
- (d) Should the lot purchaser desire to place a grave marker on the lot before it is paid for as per terms of contract, a sum equal to the proportionate cost, plus ten percent of said grave must be paid, and no payment on said contract shall be in arrears. No family stone or other improvements shall be allowed until said lot is fully paid for per terms of contract.

Perpetual Care Provisions  
(Regulated by law under Title 26,  
Latest Revised Civil Statutes of Texas)

31. Said City agrees and covenants on behalf of the lot purchasers of said Breckenridge Cemetery, that it shall and will set aside the amount per square foot as required by state law of the cash received on each and every lot sold by it within thirty days from the final payment and at the time the conveyance is issued, to constitute what shall be known as the Perpetual Care Fund, and shall designate some bank or trust company authorized to handle such funds as the deposit and trustee of said fund thus created, which shall be held forever intact and shall be invested by said trustee in such manner and in such securities as provided by said act of the Legislature and/or any subsequent changes or amendments to said act of the Legislature and said act now provides that said funds may be invested in bonds of the United States or the State of Texas, or of any county, city or other political subdivision of the State of Texas, or on first mortgages or on improved real estate, or in bonds legal for investments, savings banks or trust companies in this State. And the income therefrom paid to said City, which shall be used by it toward the uniform maintenance, care, repair and cleaning of lots and graves sold by it of said Breckenridge Cemetery, including private driveways, fences, planting, building parkways and all other property belonging to it in said Breckenridge Cemetery.
32. Said perpetual care fund shall be kept forever intact and no part of it expended in any manner, but it is to be kept invested as required herein.
33. No salaries except reasonable salaries actually rendered shall be paid out of the income of said fund. However, this instrument does not intend, and shall never be construed as, to prevent the payment of reasonable and just compensation of the active officers or employees necessary to carry on the operation and maintenance of said cemetery; or fees absolutely necessary for the service of a suitable trustee.
34. The City reserves the right to change the bank depository and trustee upon thirty days' notice, if it appears that a trustee can as satisfactorily handle the Perpetual Care Fund and safely comply with the terms hereunder for any just reason as seems fit, and any bank desiring that its service shall cease may be relieved as, if, and when a trustee, as required hereunder to act, is

appointed, and all monies, securities, funds and other assets of the Perpetual Care Fund shall have been turned over to the succeeding trustee, or trustees, which must be done in either instance recited in this paragraph.

- 35. Said City reserves to itself the right to charge against the income from the Perpetual Care Fund any money it spends for the superintending, maintenance, repair, etc., in the cemetery.

These rules and regulations set out in Articles 1 to 29, inclusive, of this instrument may at any time in the future be amended or repealed or added to by resolution of the Board of Commissions of said City. However, Articles 30 to 33 inclusive, of this instrument cannot be changes, repealed or added to in any way that jeopardize the perpetual care of the Breckenridge Cemetery unless and until, however, some state law should be enacted regulation the perpetual care of cemeteries, under which law the City act might voluntarily or involuntarily be regulated.

In witness whereof the said City has caused this instrument to be executed by its undersigned officers hereunto duly authorized, with its corporate seal heron impress at Breckenridge, Texas, this 1<sup>st</sup> day of December 2015.

CITY OF BRECKENRIDGE

By   
Jimmy McKay, Mayor

ATTEST:

  
Heather Robertson-Caraway, City Secretary

