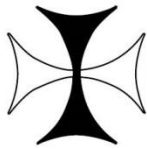


# Catholic Community of St. Odilia

## **RULES AND REGULATIONS FOR THE ST. ODILIA PRAYER GARDEN**

### **Overview**

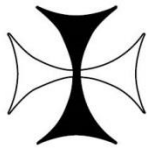
1. The St. Odilia Prayer Garden is owned by the religious parish corporation of The Church of St. Odilia and operates in accordance with and is subject to the Statutes of the State of Minnesota now or hereafter existing governing cemeteries. The purchaser of interment rights acquires no real property. The only rights which an owner acquires with the purchase of a niche within a columbarium or in-ground grave site, is the rights of interment.
2. Each purchase agreement and right to inter certificate will reference and incorporate the rules and regulations covered herein and shall bind the parties to them in their totality. The parties to these agreements acknowledge that additions and/or amendments to these rules may be deemed necessary or desirable by the Prayer Garden Committee of The Church of St. Odilia and agree to adhere to any such additions or amendments.
3. The St. Odilia Prayer Garden is a Catholic Cemetery and is intended primarily for the burial of Catholics. However, as in keeping with the long-standing tradition of St. Odilia as a welcoming community of believers, interment of those who do not profess the Catholic faith may be allowed.
4. The purchase agreement of interment rights shall be in writing on forms prescribed by the Prayer Garden Committee of The Church of St. Odilia. The Committee and The Church of St. Odilia are not responsible for any instructions given verbally.
5. The purchaser of interment rights is obligated to notify the Prayer Garden Committee of any change of address. The address on file will be considered the legal address for notices pertaining to the Prayer Garden.
6. The right to control, including the location and conditions of final disposition of cremated remains and human remains is determined by Minnesota law.
7. The Prayer Garden Committee from time to time may make special arrangements and adjust prices to accommodate the poor and destitute to ensure the dignity and care of all human beings.
8. The Prayer Garden is intended to be a holy, sacred place for the dead. As such, out of respect for those who have died and those who visit, visitors and workers are expected to refrain from loud conversations and inappropriate language. Families have their individual grieving needs. However the Prayer Garden is considered Community space and respect for all visitors is expected.
9. No solicitation of any kind, signs, notices or advertising will be permitted. Domestic animals are not allowed in the Prayer Garden. The use of alcohol or smoking in the Prayer Garden is prohibited. No fire arms shall be allowed on parish property except when military honors are provided for a Veteran.
10. No bikes, skateboards, roller-blades or snowmobiles will be allowed.



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### Interment

11. Only personnel designated by The Church of St. Odilia will be allowed to open niches.
12. Any person may purchase the rights to a niche for inurnment of human remains only. Niches will accommodate the cremated remains of two adults. The cremated remains of young children may also be placed in a niche with two adults if room is available. The responsibility of providing urns that will fit within the niche rests solely with the purchaser of the niche.
13. In-ground burial graves are intended for either one casketed body or one urn containing cremated remains. A “right of second interment” will be allowed in the grave occupied by a casketed body or the grave containing an urn allowing for the burial of the cremated remains of one additional person. There will be costs associated with the “right of second interment” and authorization must be given by Prayer Garden personnel.
14. Pets may not be interred in any niche or in the ground or in any place in the Prayer Garden.
15. Mementos may be included in the interment provided they fit in the urn or casket.
16. The Prayer Garden Committee shall determine the style and size of engraving for all inscriptions on the columbarium niche fronts and flush ground grave markers. Generally, the inscriptions will include the deceased full name and dates of birth and death.
17. Only one flush marker will be permitted per lot for ground burial, except in the burial of a veteran. An additional marker honoring a veteran will be allowed provided that the two markers are adjacent to each other on the lot. Markers may contain the names of two people. In the case of the interment of children, special consideration shall be made to accommodate additional names if at all possible. All markers require the approval of the Prayer Garden personnel prior to installation and must be of acceptable design and materials. Cement foundations will be required of all flush markers and shall be installed by designated personnel of the Prayer Garden or by qualified bonded contractors under the supervision of the Prayer Garden personnel. In the event that a grave marker does not conform to the specifications as approved, Prayer Garden personnel will request that the grave marker be removed by the dealer, otherwise the Prayer Garden personnel reserves the right to remove it at the expense of the dealer or purchaser. Each marker shall be made of granite except in the case of a Veteran, where a flat bronze grave marker measuring 24 inches long, 12 inches wide, with 3/4 inch rise is also permitted. The marker shall remain the personal property of the purchaser of such marker. **NO UPRIGHT MONUMENTS ARE ALLOWED.**
18. Flush markers may only contain one of the following religious symbols: Christian Latin Cross, Celtic Cross or Catholic Celtic Cross. Other symbols will not be permitted. Generally, the inscriptions will include the deceased full name and dates of birth and death. Additional inscriptions shall be subject to Prayer Garden Committee approval.
19. A veteran’s flush marker will be permitted with only the approved religious symbols. Installation fees will apply. Additional inscriptions shall be subject to Prayer Garden Committee approval.
20. No flush marker shall be removed without an authorized written consent order from Prayer Garden personnel.
21. Outer burial containers will be required for all in-ground body burials. The standard size of an in-ground grave is 42 inches by 120 inches. In situations where an outer burial container is oversized and will not fit



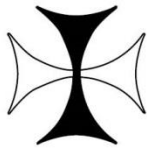
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the standard grave dimension, notification and consultation with the Prayer Garden personnel is required at the time arrangements are made. The Prayer Garden reserves the right to stop an interment if the outer burial container will not fit safely into a grave opening without damage to itself or to adjacent outer burial containers.

22. Urn vaults will be required for in-ground cremated remains burials.
23. All costs associated with interment shall be paid prior to the scheduled date of the interment.
24. All interments shall be subject to the requirements of all applicable regulations and orders of federal, state or local governments or courts having jurisdiction.
25. Interments shall be from 10AM to 3PM and shall be scheduled with the St. Odilia Prayer Garden personnel. Exceptions to this policy shall be heard on a case-to-case basis. Site work for in-ground burial shall be conducted with the permission and oversight of the Prayer Garden personnel and shall be respectful of the surrounding neighborhood including the two nearby schools. Any vendor who works on the Prayer Garden property shall take precautions to ensure the safety of all. This would include the opening and closing of a grave. Open graves must be covered with plywood or suitable material and secured.
26. In the unlikely event that a reserved niche cannot be opened at the time of need, The Church of St. Odilia may provide a temporary alternate niche so as not to delay the committal service without incurring any liability.
27. A niche may be reopened and the contents removed only for good cause as determined by the Prayer Garden Committee and in conformity with any applicable law. Any associated expense shall be paid by the person requesting removal and must be paid in full prior to the removal of cremated remains. All such re-openings and removals shall be fully documented and The Church of St. Odilia shall be released and held harmless from any liability, which may require proper written release agreement in advance of such reopening.
28. Military honors may be afforded any Veteran as required. Because of the proximity of the Prayer Garden to two schools, rifle volleys will be permitted providing the principals of the nearby Island Lake and St. Odilia Schools are notified. The playing of taps by live instrument or recorded music and the presentation of the American flag shall be permitted when appropriate.
29. Funeral processions are to enter church property from Victoria Street and are to use the parking lot areas provided.

### **Appearance**

30. The Prayer Garden will be uncluttered and pleasing to all who visit. Absolutely nothing may be attached or placed on any niche with the exception of flower arrangements or wreaths made of natural materials on the day of the interment and for three days after. The Prayer Garden will be landscaped. Families and friends may wish to make donations to the Prayer Garden Landscape Fund for flower beds or other landscaping.
31. Up to three flower arrangements or wreaths made of natural material may be placed at the time of interment and will be allowed for three days in front of the columbarium niche used.
32. Up to three flower arrangements, potted plants or wreaths made of natural material will be allowed for up to a week after an in-ground burial.



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33. Flower arrangements, potted plants or wreaths made of natural material will be allowed for a limited duration of up to one week for specified holidays observed including Easter, Memorial Day, Mother's Day, Father's Day, Veteran's Day, All Saint's Day, All Soul's Day and Christmas as well as the birth, marriage and death anniversaries of the deceased.
34. No artificial decorations, including but not limited to plastic or silk flowers, balloons, shepherd hooks, pinwheels, toys, vigil lights, statues, flags, landscape rocks, wind chimes, birdhouses, bird baths and other miscellaneous items, including personal items will be permitted in any area in the Prayer Garden.
35. Any flower arrangements, potted plants or wreaths remaining after the specified allowable days or periods and any artificial decorations may be removed by the Prayer Garden personnel without liability.

### **Financial and Legal**

36. A Perpetual Care Fund will assure the on-going needs of the Prayer Garden. Funded through the sale of niches and in-ground graves, this fund is treated like an endowment fund from which only interest earned may be spent to ensure that the Prayer Garden shall remain cared for forever.
37. The Church of St. Odilia is not responsible for the safety or protection of the visitors to the Prayer Garden.
38. The laws of the State of Minnesota govern the descent of title to cemetery property as well as matters pertaining to assignments, conveyances, trust deeds, etc. The descent of title to a cemetery lot is governed by Minnesota State Statute, Section 525.14 as follows: Subject to the right of interment of the decedent therein, a cemetery lot or burial plot, unless disposed of as provided in Section 306.29, shall descend free of all debts as follows:
  - (1) To the decedent's surviving spouse, a life estate with right of interment of the spouse therein, and remainder over to the person who would be entitled to the fee if there were no spouse, provided, however, if no person so entitled to the remainder of the fee survives, then the entire fee to the surviving spouse with right of interment therein;
  - (2) If there is no surviving spouse, then to the decedent's eldest surviving child;
  - (3) If there is no surviving child, then to the decedent's youngest surviving sibling;
  - (4) If there is no surviving spouse, child or sibling of the decedent, then, if not sold during administration of decedent's estate to the cemetery association or private cemetery in trust as a burial lot for the decedent and such of the decedent's relatives as the governing body thereof shall deem proper. The cemetery association or private cemetery, or with its consent, any person to whom the lot shall descend may grant and convey the lot to any of the decedent's parents, siblings or descendants.
39. If for some reason a niche or in-ground grave site is not needed, the purchaser may re-sell it in conformity with Minnesota law. The sale price shall not be more than the price that would be charged at the time of the sale by the Prayer Garden for a similar niche or grave site. No sale or assignment of any interment space is valid until accepted in writing and recorded with the Prayer Garden Committee on the designated form. There may be costs associated with this transfer that will be due to the Prayer Garden.

***These rules and regulations may be amended from time to time as necessary by the Prayer Garden Committee of The Church of St. Odilia.*** **10.9.14**