

CEMETERY RULES AND REGULATIONS

For the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the ST. THOMAS the APOSTLE Catholic Church as the rules and regulations of ST. THOMAS CEMETERY and all lot holders and visitors within the cemetery shall be subject to said rules and regulations. And subject further, to such other rules and regulations, amendments or alterations as shall be adopted by the ST. THOMAS the APOSTLE from time to time and the reference to these rules and regulations in the easement or right of burial to a lot shall have the same force and effect as if set forth in full therein

DEFINITIONS:

Rule 1. Cemetery. The term cemetery is hereby defined to include a burial park for earth interments, a community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more than one thereof.

Rule 2. Gravesite. The term plot shall apply to a space of sufficient size to accommodate one adult interment approximately three by ten feet.

Rule 3. Lot. The term lot shall apply to numbered divisions as shown on the record plat which consists of ten or more gravesites.

Rule 4. Interment. The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and inurnment, entombment, or burial.

Rule 5. Memorial. The term memorial shall include a monument, marker, tablet, headstone, tombstone, coping, lot enclosure, urn and crypt and niche place.

Rule 6. Marker. The term marker means a memorial flush with the ground.

Rule 7. Lot marker. The term lot marker means a post used by the cemetery to locate corners of the lot.

Rule 8. Right of Burial. The term Right of Burial shall apply to the original conveyance given by the cemetery to the original purchaser. **No one can sell, resell or gift a plot in St Thomas Cemetery except St Thomas Cemetery Administrators. If you want to sell your plot, only St. Thomas Administrators can purchase it.**

Rule 9. The term Management shall mean the person or persons duly appointed by the cemetery or the church for the purpose of conducting and administering the cemetery.

Rule 10. The term Cemetery Office shall mean the main office maintained at St. Thomas Mission House, 919 Indiana Ave., Coeur d'Alene, Idaho. The Roman Catholic Diocese of Boise is a religious corporation organized and existing under the laws of the State of Idaho. It owns and operates St. Thomas Cemetery in accordance with the laws of the State of Idaho and the rules and discipline of the Church. It reserves the right to refuse admission to the cemetery and to refuse the use of any of the cemetery's facilities at any time to any person or persons whom the management may deem objectionable to the best interest of the cemetery.

Rule 11. The cemetery will be open during the summer season from 8 AM until 8 PM and during the winter season from 9 AM until 5 PM. On Decoration Day and other days when large crowds assemble no vehicle of any kind will be allowed to enter the cemetery.

Rule 12. Employees of the cemetery are not expected to work on Sundays or holidays except when absolutely necessary in the preservation of order, and as specified in the Rules and regulations.

Rule 13. Employees of the cemetery are not permitted to do any work for lot owners except upon order of the management but are required to be civil and courteous to all visitors.

Rule 14. All fees or charges for services are payable at the cemetery office as herein stated and patrons of the cemetery are requested not to pay any fee or gratuity to any employee.

Rule 15. Persons within the cemetery shall use only the avenues, roads, walks and alleys, and 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 cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

Rule 16. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing or injuring any memorials, fence, or other structure within the cemetery grounds.

Rule 17. Cars and vehicles must be kept under complete control at all times. When meeting a funeral procession, they must stop until the procession passes. They must not pass a funeral procession going in the same direction. Cars must not be left with the engine running and the emergency brakes must be set when the driver is not in his seat. Mufflers must not be opened nor the horn sounded within the cemetery.

Rule 18. Drivers of cars or vehicles hired to attend a funeral must remain quietly in their seats during the funeral services.

Rule 19. The following things are prohibited:

(a) The driving of cars or other vehicles through the gates or in the cemetery at excessive speeds.

(b) Driving any car, vehicle or animal across or upon any grave, lot, or lawn or parking or leaving the same thereon.

(c) Parking or leaving any car or vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same, and if so parked or left the management will remove the same.

(d) Making a complete or partial reverse turn of any car or vehicle on any road or driveway within the cemetery.

Rule 20. No bicycles or motorcycles will be admitted to the cemetery except such as may be in attendance at funerals or on business.

Rule 21. Children under fifteen years of age are not permitted within the cemetery, or its buildings, unless accompanied by proper persons to take care of them.

Rule 22. Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings, is prohibited.

Rule 23. The placing of shells, toys, metal designs, ornaments, chairs, settees, and similar articles, upon gravesites will not be permitted and if so, placed the management reserves the right to remove them.

Rule 24. It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place.

- (a) Loud or boisterous talking.
- (b) Idling or loafing on the grounds or in any of the buildings.
- (c) Bringing lunches or 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 or cats into the cemetery or any of its buildings.
- (g) Bringing firearms into the cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.

Rule. 25 It is the duty of the management to see that the rules and regulations are complied with and it is their duty to see that order is maintained and to protect and promote the best interests of the cemetery. To that end, they are authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by these Rules and Regulations.

Rule 26. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these Rules and Regulations, without notice, when in the judgment of the Management such action appears necessary; and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

Rule 27. The Cemetery 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.

LOTS AND LOT HOLDERS:

Rule 1. Persons desiring to purchase lots should visit the Cemetery where the management will aid them in making a selection and will issue a memorandum describing the lot purchased. The memorandum will be brought to the cemetery office and payment will be made at that office. The receipt which is received at the time of payment is an interim receipt. The easement, which will be ready for delivery in about 3-4 weeks following the time of payment will be mailed to purchaser.

Rule 2. Lots, niches and all services must be paid in full prior to any and all funeral, memorial or graveside service.

Rule 3. Lots of various sizes are available in the cemetery and hence such lots will not be subdivided.

Rule 4. No lot shall be used for any other purpose than for the burial of the human dead.

Rule 5. No easement or right of interment is granted to any plot holder in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or buildings, as long as the Management devotes it to that purpose.

Rule 6. The right to enlarge, reduce, replat 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 regrade roads, drives, or walks, or any part thereof is hereby

reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, et cetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot holders for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. 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.

Rule. 7 Descriptions of lots will be in accordance with the Cemetery plats which are kept on file in the management's office and at the cemetery office.

Rule 8. The management will take all reasonable precautions to protect lot holders, and the property rights of plot holders, within the Cemetery from loss or damage; but the Cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, as an act of God, common enemy, thieves, vandals, strikers, 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 as herein provided.

Rule 9. It is the duty of the plot holder to notify the Management of any change in his/her post office address.

Rule 10. The instrument of conveyance of these Rules and Regulations and any amendments thereto constitutes the sole agreement between the Cemetery and the plot holder. The statement of any employee or agent, unless confirmed in writing by the Management, shall in no way bind the Cemetery.

CARE OF LOTS:

Rule 1. The general care of the Cemetery is assumed by the Management and includes the cutting and sprinkling of the grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the Management.

Rule 2. The general care assumed by the Cemetery shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots; nor the doing of any special or unusual work in the Cemetery, including work caused by the impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work on any section or plot, or any portion or portions thereof in the Cemetery, cause by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Rule 3. Investment of Permanent Maintenance. The money received for Perpetual Care shall be held in trust and invested as provided by law. The Cemetery Association reserves the right, however, either to handle all investments itself, or to deposit said funds with any person, company, or corporation qualified to act as trustee for such finds.

Rule 4. Expenditure limited to income. Permanent maintenance, whether applied to lots, graves, mausoleum, or to any space within the confines of the Cemetery shall be limited absolutely to the income received from the investment of the permanent maintenance fund, no part of the principal being expended, anything herein stated to the contrary notwithstanding.

CORRECTION OF ERRORS:

The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment's of removals, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

DESCENT OF RIGHT OF BURIAL:

Rule 1. The laws of the State of Idaho govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, easements and inalienability. The Management will gladly assist any lot holder who desire information or advice on questions pertaining to his/her lot.

INTERMENTS:

Rule 1. The Cemetery will open for interments daily with the exception of all Saturdays and Sundays, Memorial Day, July 4th, Thanksgiving Day, Christmas and New Year's. Interments may be made on Saturday but an additional fee will be added to the regular interment charge.

Rule 2. Where immediate burial is required by the Laws of the State of Idaho or under the rules and regulations of the Board of Health, interments may be made on Sundays and holidays but an additional fee will be added to the regular interment charge and entrance into the cemetery will be allowed only to the hearse and vehicles in the funeral procession.

Rule 3. All funerals on entering the Cemetery shall be under the charge of the Cemetery Management. Drivers must remain in their seats leaving their places only when necessary to take on or let off passengers.

Rule 4. Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee, or agent, shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

Rule 5. Funeral directors, upon arrival at the Cemetery, must present the necessary burial permit from the local health office.

Rule. 6 All orders for interments in lots must be signed by the holder of the lot or his/her legal representative. However, when this is impossible because such person is absent from the city, telegraphic permission will be accepted in lieu thereof.

Rule. 7 Lot holders shall not allow interments in their lots in return for remuneration of any kind.

Rule 8. No interment of two or more bodies shall be made in one grave except in the case of mother and child, or two infants buried in one casket, or cremains inurnment.

Rule 9. When an interment is to be made in a lot, the location of such interment shall be designated by the lot holder. Should the lot owner fail or neglect to make such designation, the Cemetery reserves the right to make the interment in a location designated by the Cemetery Management.

Rule 10. The Cemetery Management and the employees of the Cemetery are the only person who will be permitted to open graves with the following exceptions:

(a) When the cemetery 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 Management.

(b) When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Management his signed authorization to release the body to himself and his lawful agents. In such case the disinterment must be made by the coroner or his lawful agents. Cemetery employees will not be permitted to assist the coroner or his agents.

Rule 11. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes it is required that all burials must be made in outside containers made of natural stone, or of metal, or of reinforced concrete. All such containers must be so made and installed as to meet specifications established by the Management.

Rule 12. All charges for interment or services in connection therewith, shall be paid to the Cemetery Management who will issue a receipt therefor upon request.

Rule 13. Arrangements for the payment of any and all indebtedness due to the Cemetery must be made before interment will be made.

Rule 14. The right is reserved by the Cemetery to insist upon at least twenty-four (24) hour's notice prior to any interment and at least one week's notice prior to any disinterment or removal.

Rule 15. All interments, disinterment's, and removals must be made at the time, and in the manner, and upon the charges fixed by the Management.

Rule 16. Besides being subject to these Rules and Regulations, all instruments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.

Rule 17. The Cemetery will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a plot, where interment is desired.

Rule 18. The Cemetery will not be liable for the interment permit nor for the identity of the person sought to be interred.

PLANTS AND SHRUBS:

Rule 1. The Cemetery will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual plantings or urns of plants.

Rule 2. There shall be no individual beds of shrubbery or flowers allowed on the grounds except by special permission of the Cemetery Board.

Rule 3. The Management shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the Cemetery as soon, as in the judgment of the Management, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained.

Rule 4. The Cemetery shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the Cemetery.

Rule 5. The Management shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control.

Rule 6. The Cemetery reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind unless the Management gives consent.

ENFORCEMENT OF RULES:

The Management is hereby empowered to enforce all Rules and Regulations and to exclude from the Cemetery any person violating the same. The Management shall have charge of the grounds and buildings, including the conduct of funerals, traffic, employees, plot holders, and visitors and at all times shall have supervision and control of all persons in the Cemetery.