

## Forest Hills Cemetery Rules and Regulations

The Proprietors of Forest Hills Cemetery have formed a non-profit corporation which exists under the laws of the Commonwealth of Massachusetts. The Corporation owns, and through its Board of Trustees, operates Forest Hills Cemetery and Crematory on a non-profit basis in conformity with its charter and by-laws and the laws of the Commonwealth. It provides various services to its Proprietors and the community from its modern but tastefully appointed facilities which include several chapels, meeting rooms and greenhouses. For the mutual protection of burial space owners and the Cemetery, these Rules and Regulations have been adopted by Forest Hills Cemetery to supersede all prior Rules and regulations. All burial space owners and all visitors to the Cemetery, and all burial spaces sold, are subject to these Rules and Regulations as amended or adopted from time to time by the Proprietors or Trustees of Forest Hills Cemetery. Reference to these Rules and Regulations in a deed to a burial space and in any other Cemetery document shall be sufficient to incorporate these Rules and Regulations in that deed or other document.

### **Definitions**

As used in these Rules and Regulations:

“Cemetery” means The Proprietors of Forest Hills Cemetery, incorporated under the laws of the Commonwealth of Massachusetts on March 12, 1868.

“Grave”, “Lot” “Niche” or “Burial Space” are interchangeable terms and apply equally to one or more adjoining graves, niches or other burial spaces

“Interment” means the permanent disposition of the remains of a deceased person by burial, inurnment and entombment.

“Cremation” means the technical process by which human remains are reduced to bone fragments.

“Cremation Urn” means a container to hold cremated remains.

“Memorial” includes a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn, crypt or niche place.

“Grave” applies to a space of sufficient size to accommodate one or more full-size casket interments, except in the case of cremated remains in which case a grave may accommodate 2 cremains.

“Lot” applies to a space comprised of two or more graves.

“Monument” may include a memorial of granite, marble, bronze or other approved stone or metal which extends substantially above the surface of the ground.

“Marker” will usually mean an approved memorial which is flush with or slightly raised about the surface of the ground.

“Certificate” or “Deed” applied to the original conveyance document given by the Cemetery to the original purchasers, a duplicate copy of which is available from the Cemetery to lot owners or person authorized by lot owners.

“Management” means the Trustees of the Cemetery or the person or persons duly appointed by the Trustees for the purpose of conduction and administering its affairs.

“Cemetery office” means the main office of the Cemetery maintained at 95 Forest Hills Avenue, Jamaica Plain (Boston) MA 02130.

### **General Supervision of Cemetery**

It is Management’s duty to the Proprietors to see that these Rules and Regulations are followed, and to see that order is maintained in the Cemetery. In that spirit, Management has been authorized by the Trustees 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.

The Cemetery is a private corporation. It reserves the right to regulate the conduct of all persons coming into the Cemetery grounds, to refuse admission to anyone not a grave owner, or to refuse the use of any of the Cemetery facilities at any time to any person the Management may deem objectionable by any reasonable standards of the community or as permitted by law.

All Funerals, upon entering the Cemetery, shall be under the charge of the Management. When a casket containing human remains is within Cemetery grounds, no funeral director, any employee, agent or representative of a family member of the deceased is permitted to open the casket or to touch the remains without a Court order, unless it is otherwise permitted by law.

### **General Rules**

The Cemetery is normally open during the Summer season from 7AM to 8PM, and during the Winter season from 7AM until 4:30PM. The cemetery office is normally open Monday through Friday from 8:30AM to 4:30PM and on Saturday from 8:30AM to 1:00PM though closed on most major holidays. This normal schedule is subject to change without notice by Management if required by Cemetery needs.

All fees or charges for services should be paid only at the Cemetery office. Employees of the Cemetery are not permitted to do any work for lot owners except upon the direction of Management.

Visitors to the Cemetery grounds are requested to use only the avenues, roads and paths, and should not walk on or across lots or lawns unless it is necessary to gain access to a particular lot. The Cemetery cannot be responsible for any injuries or damages sustained by any person who has violate this Rule.

Picking wild or planted flowers, breaking or injuring any tree, shrub or plant, or writing on, defacing or injuring any memorial, fence or other structure within the Cemetery grounds will subject the offender to ejection from the Cemetery and/or prosecution. The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases or similar articles upon lots is prohibited and the Management will remove these articles without liability to anyone for their loss. For more details please see our Special Notice.

It is of the utmost importance that visitors observe strict propriety within the Cemetery grounds and buildings. Any person who violates these Rules will be ejected from the Cemetery grounds and/or prosecuted.

Special cases may arise in which the literal enforcement of a Rule may impose unnecessary hardship. The Management may make exceptions to these Rules and Regulations, without notice, when in its judgment, that actions appears advisable. Any such temporary exception should in no way be construed as limiting the general application of these Rules and Regulations.

The Cemetery may, at any time, adopt new Rules and Regulations, or amend any of these Rules and Regulations.

### **Lots and Lot Owners**

Persons desiring to purchase lots or graves are asked to visit the Cemetery office where Management will provide information about the Cemetery, its services and available burial spaces. Upon selection of a burial space, the Cemetery will issue a certificate describing the burial space purchased. The sale or subdivision of lots is prohibited and no attempted sale or subdivision of a lot will be valid. Lot owners are not permitted to allow interments in their lots in return for payment of any kind.

The certificate or deed or any other document of purchase, subject to these Rules and Regulations, constitutes the sole evidence of the rights of any lot owner. No lot owner is by any certificate or deed granted any right in any road, avenue, path or drive within the Cemetery grounds.

Before any interment is made, arrangements for complete payment for the burial space and all charges for interment must be made with the Cemetery.

Descriptions of burial spaces are in accordance with the Cemetery plot plans which are on file in the Cemetery office. No burial space may be used for any other purpose than for the interment of human remains.

Management will take all reasonable precautions to protect the rights of lot owners within the Cemetery from loss or damage. The Cemetery cannot be responsible for loss and damage from causes beyond its reasonable control, and especially, from damage from causes by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military authority.

It's the duty of the lot owner to notify Management of any change in his official post office address.

### **Care of Lots**

The general care of the Cemetery if provided by Management and includes the cutting of the grass at reasonable intervals, the raking and clearing of the grounds, and the pruning of shrubs and trees that have been placed or planted at the direction of Management.

As part of the general care described above, the Cemetery does not maintain, repair or replace any memorial, tomb, or mausoleum placed or erected upon lots, nor does it perform any special or unusual work in the Cemetery, nor reconstruct any monument or other memorial, all of which are the responsibility of the lot owner.

Perpetual care of grass in an amount determined by the Trustees is provided for all lots and graves from the purchase price of a burial space. The Cemetery holds and invests the Perpetual Care Fund and uses the annual income from the Fund to defray a portion of the costs of general care of the Cemetery.

In addition to perpetual care of grass, arrangement may be made by lot owners for special care and special services for their lots. In those cases, funds in addition to perpetual care fund are paid by the lot owner to the Cemetery which invests the fund, and uses appropriate amounts to provide the special care requested to the extent the funds permit. Special services may include special plantings, pruning of bushes and shrubs and at various times of the year placement of flowers, cleaning of monuments, insurance and other services. Inquiry about these services may be made at the Cemetery office.

All funds apportioned for perpetual or special care are invested only as provided by law. The Trustees may either invest the funds themselves, or entrust the funds for investment to investment advisers regularly engaged in funds management.

### **Interments**

The Cemetery is open for interments normally from 9AM to 3PM daily except on Sundays, Martin Luther King Day, Presidents' Day, St. Patrick's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day and New Years Day. The normal schedule may be changed without notice by Management if required by Cemetery needs.

Funeral directors, upon arrival at the Cemetery for an interment, must present the necessary burial permit from the local health office, our interment order, and arrange for payment of all interment charges.

All orders for interments must be signed by the owner of the lot or their legal representative. If an authorized person has been unable to sign the order for good reason such as absence from the city, permission by telegram, fax or email is accepted instead.

When an interment is to be made in a lot, the location of the interment is to be designated by the lot owner. Should the lot owner not make the designation, the Management will authorize the interment in the lot in the location which it designates. Management and employees of the Cemetery are the only persons authorize to open graves.

All burials must be made in outside containers made of durable materials. Burial containers may be obtained from any sources so long as that are constructed and installed to meet specifications established by Management. When Cemetery employees handle or install any container, a reasonable charge will be made for the service. Remains for earth burial will be accepted for interment only in a suitable rigid container.

Arrangements must be made for payment of all charges owing to the Cemetery prior to interment.

Interments are permitted upon reasonable notice to the Management. A disinterment or removal of remains is permitted only upon petition to and order of a court of Competent jurisdiction issued after formal objection by the Trustees and one week's notice to the Management.

The Cemetery is not responsible for any order given by telephone or for any mistake occurring from lack of precise and proper instructions as to a particular burial space, size or grave, or location in a lot where interment is desired.

In all entombments in above ground mausoleums, the casket must be placed in a stainless steel tray with a four inch lip.

The Cemetery is not responsible for the interment permit nor for the identity of the person's remains brought to be interred. The Management may totally rely upon the funeral director in these matters.

### **Plants and Shrubs**

The Cemetery, to the extent practical, maintains all plantings, trees and shrubs, and preserves and maintains landscape features.

No individual beds of shrubbery or flowers are permitted on any lot except with the permission of the Trustees.

Management is not responsible for any kinds of plantings damaged by the elements, vandals, thieves or by other causes beyond its control and may remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in its judgment, they become unsightly, dangerous or diseased, or when they do not conform to established standards of Cemetery maintenance.

The Cemetery is not liable for floral pieces, baskets or frames in which, or to which, any floral piece is attached, beyond accepting the floral piece to be appropriately placed during an interment or memorial service. The Cemetery reserves the right to prevent removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind once placed on a lot.

### **Cremation**

The Crematory is open for cremations normally from 8:30AM to 4PM Monday through Friday and 8:30AM to 1PM on Saturday, except for Martin Luther King Day, Presidents' Day, St. Patrick's Day, Memorial Day, July 4th, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day and New Years Day. The normal schedule may be changed by Management, without notice, if required by Cemetery needs.

Funeral Directors, upon arrival at the Cemetery for a cremation, must present the necessary burial permit from the local health office, cremation order and medical examiner's certificate.

Arrangement of payment of all charges for cremation or services in connection with cremation must be made with Management prior to cremation.

The Cemetery will accept and receive remains for cremation only upon reasonable notice.

Management and the employees of the Cemetery are the only persons authorized and permitted to perform a cremation.

It is requested that a person's remains be prepared for cremation in the same manner as if prepared for earth burial, and be presented for cremation in a suitable rigid combustible container, and if unembalmed, also in a suitable container bag. The remains will be cremated in the container as it was received.

All mechanical devices such as pacemakers must be removed from the remains before they are delivered for cremation.

The Cemetery is not responsible for the cremation permit nor for the identity of the person's remains sought to be cremated. Management may totally rely upon the funeral director in these matters.

All cremations are performed subject to the orders and laws of appropriate public authorities.

## **Correction of Errors**

The Cemetery reserves the right to correct any errors which may occur when it is making interments, disinterments or removals, and cremations. It may also correct errors occurring in the description, transfer or conveyance of any interment right, either by canceling such right and substituting any right in its place in other interment areas of equal value and similar location to the extent possible or as may be selected by Management, or, at the sole discretion of Management by refunding the amount of money paid on account of the lot purchase. In the event an error involves the interment of the remains of any person in an incorrect area, the Cemetery reserves the right to remove and transfer those remains to another area of equal value and similar location as may be substituted, and the right in the substituted area will then be conveyed by the Cemetery to the appropriate lot owner.

## **Descent of Titles**

The laws of the Commonwealth of Massachusetts shall govern the descent of title to Cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Management will assist any lot owner who desires information or advice on title questions pertaining to their lot. Upon presentation to the Management of proof of death of the owner of a lot and an affidavit, the Cemetery has complete authority to permit the use of the unoccupied portion of that lot by the person represented in the affidavit to be entitled to ownership or burial rights.

## **Enforcement of Rules and Regulations**

Management has all necessary authority from the Proprietors and Trustees to enforce all Rules and Regulations and to exclude or eject from the Cemetery any person violating them. Management also has charge of the grounds and building including the conduct of funerals, memorial services, traffic, employees, lot owners and visitors and at all times has the right to supervise and control all persons on the Cemetery grounds.

See separate rules and regulations specific for Monuments and Mausoleums.