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2021 Rules and Regulations

Ivy Lawn Memorial Park & Funeral Home is about life and the interwoven lives that have made our community what it is today. Nothing will change the draw people feel toward Ivy Lawn, because they receive comfort from a small plot of land or niche. The park is alive with activity — people come to the cemetery to spend time with their loved ones and friends, to remember, to walk, to pray and to play. It is our sacred honor to be the caretakers assuring that these grounds continue to be a place for those seeking solace and comfort. Those we bury have stories that live on beyond them. Grieving family members left behind continue to tell their stories and remember. That is why Ivy Lawn exists.

With mature eucalyptus and cypress trees, a shady pine grove and an ever-maintained landscape of more than 60 acres of lush lawns, Ivy Lawn Memorial Park & Funeral Home is both an escape from the city and a sacred garden of calm for family refection. Founded in 1917 as the first lawn park cemetery in Ventura County, it thrives today because its founders planned for expansion to meet the needs of Ventura, Oxnard and neighboring communities, establishing “a place for all time.”

Ivy Lawn combines history and tradition with an ongoing commitment to provide comfort for families in their time of need. Unlike other cemeteries in our county that operate for profit or require family members to maintain graves, Ivy Lawn was envisioned by its founders as a public service rather than a business venture, to ensure its perpetual care.

Ivy Lawn Memorial Park and Funeral Home is the only historic district cemetery in Ventura County. The honor was bestowed because Ivy Lawn “derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, and from association with historic events.” We take great pride in preserving that rich history for all to visit and appreciate.

~ Our History ~

In the spring of 1913, prominent community leaders gathered to bring a “modern, endowed, and perpetually cared for” cemetery to Ventura County that would welcome families of all races and denominations. In 1914, they acquired land and in 1917 created a corporation to operate and maintain the cemetery so families would be assured their loved ones would be forever respected and safeguarded.

Just as when it was founded, the current board and staff honor their promise to provide for and bring comfort to families in their times of need. Ivy Lawn is a microcosm of the region’s most important individuals, military veterans and families of the 19th- and 20th-century, and mirrors the changing styles of our community’s architecture and society. It is the final resting place for the largest percentage of historically significant individuals in all of Ventura County.

The park graphically illustrates more than 100 years of architecture, art, iconography and symbolism, including many monument stones that have been moved from 19th-century pioneer cemeteries and thus predate the founding of Ivy Lawn. In 2012, Ivy Lawn was honored to be designated the only historic district cemetery in Ventura County because of its rich heritage that “derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, and from association with historic events.” Ivy Lawn takes great pride in preserving that history for all to visit and appreciate.

~ Our Future ~

Improvements and expansion on the horizon will ensure that burial property is available as Ivy Lawn continues to carry out its mission. The current stability of Ivy Lawn rests upon the solid foundation conceived over 100 years ago. Today, a new master plan is being implemented to better serve the community through continued expansion and innovation.

Ivy Lawn is committed to offer new products and services in the evolving field of perpetual care.

Unlike other memorial parks, which began as nonprofit cemeteries only to be acquired by national conglomerates, Ivy Lawn’s long-term vision is continued preservation, improvement, responsible budgeting and perpetual public service, “for all time.”

It is our commitment to preserve and maintain Ivy Lawn as a place for the living to honor their past and our vision to continually prepare for the future.

“Our pledge is that the loved ones once held and loved by their families will forever be held by Ivy Lawn.”

PREAMBLE

The Board of Directors of Ivy Lawn Memorial Park & Funeral Home (hereinafter “Ivy Lawn”) hereby adopts the following “Rules and Regulations” for the mutual protection of every grave, crypt, and niche purchased in Ivy Lawn. These rules and regulations are intended to create and preserve an atmosphere of quiet and tranquility for the deceased, their family and friends.

All burial right owners and persons within the cemetery, and all graves, crypts and niches sold shall be further subject to such rules and regulation, amendments or alterations as shall be adopted by Ivy Lawn from time to time. The reference to these rules and regulations in the deed or certificate of ownership to graves, crypts, niches shall have the same force and effect as if set forth in full therein.

1. CEMETERY MAINTENANCE STANDARDS

Ivy Lawn Memorial Park is an Endowment Care Cemetery. Endowment care fees are required by California cemetery law. This law requires a dictated amount be collected. This law also requires cemeteries maintain “minimum” maintenance standards.

We collect endowment care fees on all burial property and grave markers at the time of purchase. We DO NOT spend endowment care funds for everyday maintenance of the cemetery. ALL funds are deposited into a trust fund and reserved for the *future care* of the cemetery.

The amount Ivy Lawn charges for endowment care is substantially higher than the minimal fees required by the state. This allows Ivy Lawn Memorial Park to provide a higher standard of care and maintenance.

As required under Health and Safety Code Section 8738, the amount Ivy Lawn collects for endowment care fees “shall be reconsidered annually by the cemetery based upon current and projected maintenance expenditures, and adjusted as necessary to ensure that sufficient funds are available to perform the maintenance required by our rules and regulations.”

~ Our Maintenance Commitment ~

Ivy Lawn Memorial Park is 100% responsible for the care of this park. It is our intention that every visitor and consumer, upon arrival, acknowledges and appreciates the differences in the appearance and the care of Ivy Lawn from other cemeteries. We are Ventura County’s ONLY Historic District Cemetery and we have the added responsibility and obligation of maintaining and preserving the historic features of our Park.

We strive to present and maintain a functional but highly attractive cemetery by offering lovely grounds with attractive embellishments, statues, sitting areas, buildings and facilities. We want all visitors to experience the life of the cemetery evidenced by constantly changing and improving flowers, gardens, and by adding interesting applications of landscaping, adornments and water features and the many species of birds, bunnies, butterflies and other signs of life that are attracted to the park because of these features.

Consumers want all aspects of cemetery maintenance to be important knowing all cemeteries have obvious needs, minimum needs. What makes us different at Ivy Lawn Memorial Park is we make the obvious and the “not so obvious needs” high priorities. Every need that we meet adds to the desirability of this cemetery.

We concentrate on what families and friends that have chosen this cemetery as a final place of rest for someone they love, want to see and experience. We consider it mandatory that Ivy Lawn be diligent about all of the needs of our customers in order to present a beautiful park.

Our cemetery maintenance standards are high because we strive to provide a “park like” setting. This means constant and ongoing daily attention to detail. We also ensure every visitor will enjoy a safe environment and one with beauty in mind. We want you to enjoy and admire our sites and we hope they are pleasing and attractive.

We consider the care of the park, as a whole, a matter of importance and significance. Our emphasis is placed on maintaining individual resting places. This means lawn care, crypt and niche maintenance, and garden maintenance are our highest priority. This starts with a guarantee that we will trim the lawns no less than once a week. All grounds are trimmed with attention to the detail of each specific area.

We will maintain an attractive and harmonious environment so every visitor can be confident their loved one rests in an area that is cared for.

There are many choices for burial property in our cemetery and with each choice comes a customized care plan. We are aware that each option has its own needs for care and maintenance. On a daily basis, we assign a grounds crew member to care for each one.

We know our visitors want to see a green lawn. We make every effort to keep the park as green as possible. Ivy Lawn is conscious of drought conditions and maintains all sprinklers and valves so no drop of water is wasted. This requires constant attention by our grounds crew. The lawns are watered very day and every night in a sequence that ensures every area gets water. This is accomplished by paying constant attention and making adjustments and repairs as needed. We cannot stress the importance of the parks infrastructure and the costly expenses involved in keeping the watering systems running properly and efficiently.

Lawns are consistently fertilized, and organic soil amendment is added to help keep it healthy and attractive. Drought tolerant grass seed is used to help with current conditions and also keeping the grass green. Every section is weeded, trimmed and maintained by our grounds crew on a daily basis. This detail keeps the area clean, manicured and attractive at all times. Weeding of the cemetery includes all developed and undeveloped areas. Edging of the park includes the walkways, streets, grave sections, display areas, and includes every single grave marker.

Signs, benches, trees, lawn, sprinklers, and infrastructure are provided by Ivy Lawn and are maintained daily.

Water access is available throughout the park for convenience to our visitors.

Trash is emptied several times every day. We do not want our visitors to see trash or debris. Graves are cleared of dead flowers and or decorations many times per day. This effort is made so every visitor sees a clean and maintained cemetery. Trash cans are placed throughout the cemetery for convenience of our visitors to dispose of trash.

Trees are essential to Ivy Lawn Memorial Park. The care of our trees is taken very seriously. This includes daily care by our grounds crew, but in addition, we use professional tree experts to keep our trees groomed and healthy. We employ experts to help us keep disease away from the trees as well as insects and other dangers that threaten the life of our trees. We provide nutrient applications to help them survive and thrive! When we lose trees we replace them with new ones.

New flowers and plants are planted on a continual basis. We try to use varieties that will keep the cemetery colorful and beautiful all year long.

We strive to make the cemetery accessible and beautiful. Every section, garden and building will continue to be identified with proper signage to provide direction to visitors and provide ease of finding your way to your loved one. This includes easy and safe access to every road, building, burial area, garden, grave, niche or crypt.

Our streets, walkways, intersections, display areas, and roads are maintained by the grounds crew on a daily basis. To provide the cleanest and most respectful image we also contract for a professional street cleaning every week.

Restrooms are strategically laid out throughout the park for the convenience of our customers and visitors. Ivy Lawn is responsible for the care of these facilities on a daily basis by Ivy Lawn staff but care also includes daily cleaning and maintenance by industry professionals.

Grave stones known as “markers” are also maintained by Ivy Lawn staff. Every stone is trimmed on a regular basis, both by hand and by machine. This is an ongoing daily task of our grounds crew. Every grave is trimmed so the grave markers, regardless of size and shape, is seen and is easy to read and easy to identify. It is common for the graves to “settle” and require re-leveling, re-seeding, cleaning or some type of repair. Attention by our grounds crew is given to the fine details of each grave and each marker.

Benches are placed throughout the cemetery. We try to provide a variety of colors, sizes, styles and materials of benches. We assume every visitor has a different taste on what they like or what they find comfortable to use and we try to have something for everyone. Locations for benches is dependent upon the space available. We have placed many in general locations to serve as many visitors as possible. We promise our benches and seating areas will be clean and secure for all to enjoy and use.

Every building on the grounds is maintained to a high standard of care. This is a continual part of the grounds crew daily tasks. The chapel with crypts and niches is open to the public and our mausoleums as well, and are always prepared for visitors. Daily maintenance, both inside and outside, is handled on a daily basis, however, they require long term care including painting, repairs, lighting, cleaning. We have a small modern chapel with state of the art electronics. It is not open to the public and any use must be reserved. This chapel requires consistent technical upgrades as well as the everyday care for both inside and outside the chapel.

Our new on-site crematory is maintained to perfection as we are always ready for families that need our services. The surrounding fountains and grounds are beautifully maintained.

We pay particular attention to walkways, handrails and fences. We continue to add them for the comfort and safety of our visitors. Maintenance is mandatory including constant touch up and repair so they look and function perfectly all of the time.

Parking is provided throughout the park with priority given to funerals and their attendees. There are designated parking lots but parking is also available along the one way streets.

Ivy Lawn offers Memorial Accounts on our website. This makes it easy to locate a loved one's cemetery location. We provide a GPS location identified by each grave marker. You can view your loved ones grave marker on our website and/or find it on the map of our cemetery. Memorial Accounts enable family to add photos, messages, and memories to an on line account accessed via ivylawn.org. Memories are shared with access from posts.

Improvements are on-going. This includes maintaining what we have but also introducing new developments, new embellishments such as statues, flowers, trees, landscaping ideas, and re doing existing infrastructure. We have embraced automation with the new gates at the two entrances to the cemetery. These state of the art gates are self-opening and self-closing. As part of the gate project, we installed new energy efficient lighting and signs, created new gardens and added decorative touches. These upgrades make for a grand entrance and easier entrance and exit route for funerals and visitors.

We are constantly adding embellishments to the cemetery. We grow with the community and we try to meet its demands. Ivy Lawn wants to increase the beauty of the park and adding sculptures, statues, benches, and infrastructure is always a consideration.

Upon customers request the cemetery will provide for the consumer's retention a written copy of the standards of the cemetery.

2. PRIVACY POLICY

We collect personal information on individuals only as allowed by law. We limit the collection of personal information to what is relevant and necessary to accomplish a lawful purpose for our cemetery, funeral home and crematory. For example, we need to know personal information (for purchaser, authorizing agent or decedent) such as someone's address, telephone number and social security number, among other things, to properly process and identify the person(s) who have passed or have authority to make decisions and person(s) that have ownership of burial property and rights. Personal information, as defined in the Information Practices Act, is information that identifies or describes an individual including, name, social security number, home address, home telephone number, email address, and next of kin information and identification.

We do not collect home, business or e-mail addresses, or account information from persons who simply browse our Internet web site. We do not use cookies to collect or store personal information. We collect personal information about you through our web site only if you provide it to us voluntarily through e-mail, forms, or requests.

We tell people who provide personal information to us the purpose for which the information is collected. We tell persons who are asked to provide personal information about the general uses that we will make of that information. We do this at the time of purchase. With each request for personal information, we **provide information only with written authority** when the request is made, and we provide information, when we are obligated, to other government agencies and to the public.

We tell people who provide personal information about their opportunity to review that information. Ivy Lawn Memorial Park & Funeral Home allows individuals who provide personal information to review the information and contest its accuracy or completeness.

We use and release personal information only for the specified purposes, or purposes consistent with our purposes, unless we get the written consent of the subject of the information, or unless required by law or regulation. We maintain the privacy of individuals. In the event of a conflict between this policy and the Public Records Act, the Information Practices Act or other law governing the disclosure of records, the applicable law will control.

We use information security safeguards. We take reasonable precautions to protect the personal information on individuals collected or maintained by Ivy Lawn Memorial Park & Funeral Home against loss, unauthorized access, and illegal use or disclosure. Personal information is stored in a secure location. Our staff is trained on procedures for the release of information, and access to personal information is limited to those staff whose work requires it. Confidential information is confidential unless written authorization to release or disclose information is on record. Management conducts periodic audits to ensure that proper information management policies and procedures are followed.

3. CONDUCT AT FUNERAL SERVICES

No person shall:

- Throw rubbish or debris in a roadway, on a walk, or any part of the cemetery. Rubbish or trash will be discarded into the proper receptacles;
- Pick or mutilate any flowers, wild or domestic, or disturb any tree, shrub or any other plant material;
- Consume refreshments or liquors in the cemetery or carry same upon the premises. This rule will not prohibit city employees from eating their lunch on the cemetery grounds in connection with their regular employment;
- Permit any dog or domestic animals to enter or remain in the cemetery;
- Use any form of advertising on cemetery property;
- Discharge a firearm in or adjacent to any cemetery. This prohibition shall not apply to authorized volleys at burial or memorial services;
- All persons are prohibited from decorating our trees, shrubs or plants, or feeding or disturbing birds or other animal life within the cemetery;
- Individuals shall not be permitted on cemetery grounds after dark, or when the gates have been closed;
- Individuals shall not be permitted to loiter on cemetery grounds. Any person found loitering in the cemetery will be considered a trespasser;
- Peddling of flowers or plants, or the soliciting for the sale of any commodity is absolutely prohibited within the confines of the cemetery.

The cemetery grounds manager shall have complete charge of the cemetery grounds and at all times shall have supervision of all persons within the cemetery, including the conduct of funerals, traffic, employees, lot owners and visitors. The cemetery manager shall be authorized to call upon the police department to assist him/her in carrying out enforcement duties.

Employees within the cemetery grounds shall conduct themselves with decorum at all times and with strict accordance with these rules and regulations. This applies to outside workers, stone masons, florists, etc. No employee shall receive any fee, gratuity or commission, except from the cemetery, either directly or indirectly, under penalty of immediate dismissal. All fees, payments or charges for any cemetery property or service shall be paid to the administration office.

• **Special Accommodations**

You are asking Ivy Lawn Memorial Park and Funeral Home to make special accommodations for a service you are preparing to have at the cemetery. It is the priority of Ivy Lawn that all rules and regulations be followed and equal respect is made for all services and all families. In order to regulate the requirements we have you are agreeing to all terms and conditions and offering the required deposit as a guarantee to the cemetery.

We agree and understand to give the required deposit/cashier's check of \$1,000.00 payable to Ivy Lawn Memorial Park and Funeral Home to the cemetery office within 24 hours of the service, scheduled for: _____ .

This deposit will be returned to the maker *after* service is complete and *parties have left the cemetery*.

There will be no deductions from the deposit if the area is left clean and tidy and all rules and regulations were followed.

If there were any circumstances that required cemetery staff to intervene or be involved with the special accommodations, the deposit will be forfeited and become the property of Ivy Lawn.

4. EXCEPTIONS AND MODIFICATIONS

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. Ivy Lawn reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations by resolution, when, in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application or enforcement of such rules or regulations.

Ivy Lawn may, and it hereby expressly reserves the right, at any time or times, to adopt new rules or regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these rules or regulations. Such new or amended rules and regulations shall be binding on the owners of all lots or burial spaces regardless of the date such owner acquired title.

Any violation of these rules and regulations shall be punished as designated by the manager. The cemetery retains the right to recover all civil damages and penalties occasioned by a violation of these regulations.

5. PROPERTY DAMAGE

Ivy Lawn Memorial Park & Funeral Home is not financially responsible for any damage to lots, structures or objects thereon, or for flowers or articles removed from a grave or lot.

If flowers or adornments are missing Ivy Lawn is not to be held responsible. We caution anyone from leaving anything of value, including emotional value, at a grave or anywhere on the grounds.

6. TREE PRESERVATION AND GROUNDS PRESERVATION

Tree preservation and grounds preservation at Ivy Lawn Memorial Park is regulated by the cemetery and is the primary tool to provide for orderly protection of specified trees, bushes, topiaries, flowers, shrubs, statues and all landscape. All rules and regulations are in place to preserve the natural beauty of these items and to protect property and avoid significant negative impacts.

Cemetery regulations will be enforced for maintenance including health of or removal of trees, decorations, statutes, flowers, bushes, pathways and more. Any specific questions pertaining to the grounds can be found in our Rules and Regulations.

This translates into NO sitting on, no jumping on, no cutting or trimming, no decorating any statute or plant or tree that is part of the cemetery. NO EXCEPTIONS. They are here for your enjoyment and the enjoyment of every visitor but as visual beauty only, not for any personal use or entertainment for children or pets. Flowers are here for their beauty and joy they bring and are not to be cut for personal use. NO EXCEPTIONS.

If you misuse any of the beautification in the cemetery you may be asked to pay for the item or the item may be moved to a more secure place that will ensure its preservation.

7. TRAFFIC REGULATIONS

All traffic laws of the City of Ventura are applicable to operation of vehicles in this cemetery. A person driving in the cemetery shall be responsible for any damage done by the vehicle in the driver's charge. You must obey our traffic rules which are posted in the roads and on signs. This is especially true for our one way roads.

NO person shall:

- Drive the wrong way on a one way road;
- Drive a vehicle in excess of 15 miles per hour on any cemetery road;
- Drive off the established roads;
- Use a cemetery road as a thoroughfare;
- Park adjacent to any red curb;

- Grounds men may use that space necessary to perform the necessary care or services in connection with the lot. Any person(s), while on any portion of the cemetery other than the roads, drives, or walks, are hereby declared to be trespassers and shall in no way hold the cemetery liable for any injury sustained;
- Heavy trucks or commercial vehicles are not permitted within the cemetery grounds, except on business or in connection with cemetery work, and then only by permission of the cemetery superintendent.

8. CEMETERY RESTRICTIONS

- **HOLIDAYS:** No burials, cremations, disinterments, or removals shall be permitted on any of the following holidays: New Year's Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day or Christmas Day.
- **DELAYS:** In the event of inclement weather or other physical circumstances which precludes interment, Ivy Lawn will place the casket temporarily in a secure location until the interment can be completed. Ivy Lawn reserves the right to refuse to perform burials in any case where contesting claims have not been resolved by agreement of all parties concerned or by court jurisdiction.
- **TIMING:** Any burial or inurnment service must begin no later than 2:00 P.M. Time is needed for the crew to complete the burial and this must be done during work hours. The park closes at 4:30 P.M. every day and no exception can be made for services due to cemetery needs. The service must be completed by 3:00 P.M. All visitors must leave the park no later than 4:00 P.M. Gates close at 4:00 P.M.
- **EQUIPMENT:** No outside equipment is allowed. Ivy Lawn will provide any equipment needed for services including canopy, chairs, podium, table, dirt tray, lowering devices and any mechanical equipment.
- **ERRORS:** Ivy Lawn reserves the right to correct any errors that may have been made by Ivy Lawn either in burials, disinterments, or removals. If the error is the interment in the wrong grave Ivy Lawn reserves the right to remove and re-inter in the correct grave at its own expense. Ivy Lawn also reserves the right to correct any error that may be made by Ivy Lawn in the description, transfer, or conveyance of any property, either by canceling such conveyance and substituting other property of equal or greater value and similar location or by refunding any monies paid. The owners and other involved parties will be notified, in writing, of any such change.
- **EMBELLISHMENTS, ADORNMENTS:** The cemetery will decide what adornments will be placed in the park and where they will be placed. There is no guarantee that they will remain in a location that you see them placed. We will make changes as needed. Visitors are not allowed to move or decorate any adornment including trees.

9. VETERANS MEMORIALS AND SPECIAL EVENTS

Ivy Lawn Memorial Park & Funeral Home is proud to honor veterans, past and present, by flying “casket flags” of deceased veterans generously donated to the cemetery by veterans’ families. These treasures fly in the breeze along every avenue in the park in memory of American veterans everywhere. This is known as the “Avenue of Flags” and is displayed every Veterans Day and Memorial Day.

10. IVY LAWN IS AN ENDOWMENT CARE CEMETERY

At Ivy Lawn, a fee paid for at the time of purchase of property and/or marker is deposited into an endowment trust fund to maintain, improve, preserve and beautify the park in perpetuity. The fund is protected by law and only the interest is withdrawn to finance upkeep and maintenance of the park.

It was paramount to the founders of Ivy Lawn that the park remain a not-for-profit entity, since they believed the long-term interests of our community would be best served by acting as a public benefit corporation. The Board of Directors at Ivy Lawn maintain conservative investments to ensure every penny made it is invested back in the park. Perpetual care means families can feel assured that their loved ones will be cared for with the utmost respect “for all time.” The staff of Ivy Lawn is proud of the honor and respect we give to our community’s loved ones by how well the cemetery is maintained.

What does endowment care mean?

An endowment care fund is created as an additional fee paid for an interment and is deposited into an account that is used for the care of the cemetery in perpetuity. The funds are protected by law and are allowed to be invested very conservatively. Only income from the funds may be withdrawn to help defray the ongoing costs of cemetery upkeep and maintenance.

Why is endowment care important?

At Ivy Lawn Memorial Park we know the importance of a well maintained cemetery is crucial. We understand that grieving does not end on the day of interment. Your burial site is a kind of sanctuary, a place for family and friends to mourn, to remember and celebrate a loved one. We work together with you to ensure that the site continues to be beautifully maintained now and into the future.

Why is Ivy Lawn Memorial Park special?

Ivy Lawn Memorial Park endowment care charges are more than the minimum that the state statute requires as a minimum deposit into the endowment care fund. In addition, Ivy Lawn Memorial Park’s Board of Directors protect the endowment care funds by strategically investing them to maximize the income generated from endowment care funds.

ENDOWMENT CARE FOR BURIAL PROPERTY:

There is a one-time charge for endowment care payable when you purchase your property. The amount is dependent on the property that you choose.

ENDOWMENT CARE FOR MONUMENTS AND MARKERS:

There is a one-time charge for endowment care payable when you purchase your marker and/or other memorialization. The amount is dependent on the memorial that you choose.

California Health & Safety Code Endowment Care Related Statutes:

8739.1. Any cemetery established, on or after September 7, 1955, or excluded from the exemption provided in subdivision (c) of Section 8250 by virtue of paragraph (2) of such subdivision, shall be an Endowment Care Cemetery.

8738.2. The endowment care fund under the provisions of this code shall be kept separate and apart from all other cemetery funds. Separate records and books shall be kept of the endowment care fund. The amount to be deposited in the endowment care fund shall be separately shown on the original purchase agreement and a copy delivered to the purchaser. In the sale of cemetery property, no commission shall be paid a broker or salesman on the amount deposited by the purchaser in the fund.

8725. Every cemetery authority which now or hereafter maintains a cemetery may place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Endowment care and special care funds consisting of trust funds created by irrevocable trust agreements may be commingled for investment and the income therefrom shall be divided between the endowment care and special care funds in the proportion that each fund contributed to the principal sum invested. Special care funds derived from trusts created by a revocable agreement shall not be commingled for investment and shall be accounted for separately from all other funds. The funds may be held in the name of the cemetery authority or its directors or in the name of the trustees appointed by the cemetery authority

8726. The principal of all funds for endowment care shall be invested and the income only may be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules and regulations or other actions or instruments of the cemetery authority and for no other purpose. Endowment and special care funds shall be maintained separate and distinct from all other funds and the trustees shall keep separate records thereof.

8728. The cemetery authority may from time to time adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will provide care, maintenance and embellishment.

8736. The endowment care fund and all payments or contributions to it are hereby expressly permitted as and for charitable and eleemosynary purposes. Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a

provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkempt and places of reproach and desolation in the communities in which they are situated.

11. MAINTENANCE AND CARE

The law requires every Endowment Care Cemetery have cemetery maintenance standards to ensure the property is kept in a condition to prevent the cemetery's offensive deterioration. Ivy Lawn standards of care are more than what the state requires. Please refer to the "Cemetery Standards" of these "Rules and Regulations."

12. PRE-PLANNING FUNERAL & BURIAL CONTRACTS — WHAT YOU NEED TO KNOW

There are many good reasons for planning a funeral in advance. First, you get to make your own decisions about the type of funeral you want. Second, you can better control the cost of the funeral. Third, you can make sure there are funds set aside to cover the cost of your funeral or burial.

There is no payment required to pre-plan. Of course, it is best to have funds set aside for your family to use, but you don't have to do this through an irrevocable financial arrangement. You can simply set aside cash in a bank account, take out an insurance policy, or set up some other method of payment.

• Funeral Planning: Step-By-Step

1. **Plan ahead.** Planning ahead is the best thing you can do. Your plan doesn't need to be complicated. Start with the basics: interment choices (i.e., burial, cremation, donation to medical science, burial at sea); and funeral service choices (i.e., traditional funeral, memorial service, graveside service, no service).
2. Estimate the **cost of your funeral**. Change your choices, if necessary, to reduce the expected cost.
3. **Share your funeral plan** with a trusted family member, friend or advisor so they know your wishes. Start with your basic plan and then keep them updated as you add details over time.
4. **Specify the details** of your funeral ceremonies. This is optional but will be helpful to those making the final arrangements.
- **Make financial arrangements** to pay for your funeral. Consider funeral insurance, trusting, pre-purchasing cemetery space, and a pre-need contract for funeral services.
6. **Organize and document your key personal information.** This will be helpful for those delivering eulogies and writing your obituary. Future generations of your family will appreciate the information.

13. FUNERAL SERVICES AND LOCATIONS

Cost is included in the burial fee.

Burial/funeral services are a very personal experience and Ivy Lawn will design or cooperate with personalizing any service. We offer many options for services. Our 60 acres of grounds provide various locations available. The number of people you are expecting will help determine the best location. Please ask Ivy Lawn staff for ideas and location options.

Please note that timing is important. We promise to be prepared for your service within 30 minutes of your scheduled service time.

• **Graveside Services:**

Graveside services are most common. This allows time at the graveside with the casket or urn present. You can have clergy or any officiant at the graveside or you can handle it yourself. Ivy lawn will provide the canopy, chairs, podium, dirt tray, and table (if needed) for your service at. Our grounds crew will be ready to help you with parking. You can witness the carrying of the casket or you have it preset so the casket is in place when you arrive. **Let your funeral home know how you want the casket set, if you need pall bearers or need assistance at the graveside.**

Funerals and services shall be conducted under the direction of a funeral director, and shall be subject to all rules and regulations of Ivy Lawn. A funeral director must be present for the entire service. If the service is “self directed” Ivy Lawn will request a written agreement from family or the purchaser of the services.

• **Use of Other Cemetery Locations:**

Ivy Lawn offers a variety of indoor and outdoor cemetery locations for funeral services. We have 2 chapels, or covered AND open gazebo areas. We have a secluded area with a waterfall setting, a large flagpole and garden area, and our Garden House is available offering indoor or outside areas. If you have property at Ivy Lawn all locations are available to you. All locations offer different settings so please ask any counselor for details or tour of the different facilities. Several locations are used at an additional charge.

14. BURIAL AT IVY LAWN

• **Direct Burial Services**

Over the decades, Ivy Lawn has evolved from cemetery to memorial park to include a licensed funeral home. Ivy Lawn Memorial Park & Funeral Home is special. As a nonprofit corporation and a staff that does not work on commission, it is different from other cemeteries and funeral homes.

We can pick up your loved one and they rest with us until cremation is completed in our state-of-the-art crematory or direct burial takes place on our grounds.

Whether your plans are simple or elaborate, the staff at Ivy Lawn is ready to assist with service, merchandise and property selections, with dignity and respect.

Please visit the office for all of the details.

- All burials, disinterments, cremations, and removals are subject to the orders and laws of the property, constituted authorities of the state, county and city. When these “Rules and Regulations” are based directly upon a statute, reference will be given to the pertinent code.
- Only human remains may be buried at Ivy Lawn Memorial Park.
- The park does not permit the burial of mementoes, regardless of size, on the outside of the casket or urn.
- Any burial property must be paid for in full prior to any burial taking place.
- If a grave or niche has been used for a prior burial or inurnment, and a disinterment has taken place, that grave or niche can be used for another burial or inurnment ONLY if the circumstances of the prior burial is disclosed to the person authorizing the burial after it has been used. There must be an agreement, in writing, stating the circumstances of the grave or niche and the acceptance of the “history” of the grave or niche by the party using it for current burial or inurnment.
- Please refer to “Cemetery Restrictions” for specific items that may be important for you to consider when scheduling a burial service.
- Full graves will accommodate a casket burial. You can buy a single grave for one burial or a double grave which will accommodate 2 full casket burials, one on top of the other.
- Cremation graves are for urn burials and can be single or double.

• **Grave Maintenance:**

Grave maintenance is an ongoing task in the cemetery. New burials will be cared for with drought tolerant seed and an organic soil amendment. This may require several weeks of care before the grave will have the grass cover. The elements dictate the time so please allow time to make the grave full and attractive.

Throughout the year re-seeding may be required. If the grass is not full the crew will apply more seed and may have to adjust the grave to allow the new grass to grow.

If the grave becomes uneven we will “re-level” the grave. It is common for a grave to sink or settle and the remedy is to level the soil and start growing new grass with the seed and amend process.

If the marker moves, again which is common, we will have to re-level the marker or re-adjust its placement. This requires work on the dirt area and it may appear unsightly until the grass grows in and seams blend.

Grass will grow over a vase. This will happen. The grass grows quickly and this is an ongoing maintenance issue. Prepare to uncover the vase when you visit.

• **Service Locations Available for any Burial Service**

INSIDE LOCATIONS:

Large Chapel: maximum 75 people full use of chapel environment with pews, podium, flowers stands, guest book pedestal (upon request).

Small Chapel: maximum 50 people. Extra charges for use of technology including video screens, microphone, music. Both inside and outside areas for seating, podium, easels, flower stands, guest book table available.

Garden House: intimate indoor and outdoor areas available. Perfect for small unconventional gatherings or events. Limited seating and limited “traditional” set up available.

OUTSIDE LOCATIONS:

Flagpole area: Perfect for patriotic theme services and events, Subject to the elements. Large area with seating as needed. Can customize set up.

Graveside: Traditional set up for those that want a service and see the casket be lowered. 15 chairs, canopy, podium, dirt tray all included.

Meadow Gazebo: Very limited space. Perfect for very small gathering. Great for burials or services in and around Section M, Meadow, and PK.

Garden Gazebo: Limited space , nice open area. Seating is available or standing will work perfectly. Close to Section I, K, H, Secret Garden. Will work for intimate arrangements

Veteran’s Circle: Limited to 15 people. Parking is limited. Will work for special arrangements with emphasis on veterans. Good spot for pictures because of Veterans Monuments. Can customize the set up.

15. REQUIREMENTS FOR BURIAL

• **Caskets:**

There are minimum requirements on the quality of the casket.

Any casket must fit in an approved outer burial container.

Caskets will not be opened on the grounds of Ivy Lawn except as provided below:

1. The casket may be opened by the funeral director for witnessed cremations (only in the crematory or chapel).
2. The casket may be opened in case of a disinterment and remains must be transferred to a new casket.

Ivy Lawn Memorial Park & Funeral Home offers caskets for sale. Please refer to our “Casket Price List” or ask any staff member for assistance. Ivy Lawn will accommodate any casket purchased by a consumer.

• **Outer Burial Container – Also Known as a “VAULT”**

Ivy Lawn requires the use of an outer burial container for any full casket burial or urn burial (unless area specifically states that it is not a requirement). These are referred to as “vaults.”

You have the right to choose whatever type of vault you desire. Your choice of vault will determine certain equipment and procedures be taken by the cemetery which may interfere with your idea of what will happen at the burial/service. You should consult with an Ivy Lawn counselor for full explanations.

If you own a double depth grave you will be required to use a “concrete” vault. This will require heavy equipment be used at any graveside service.

You can purchase a vault from any vendor.

Ivy Lawn Memorial Park & Funeral Home sells vaults. Please refer to our “Outer Burial Container Price List” or ask any staff member for assistance.

If you purchase an outer burial container from an outside source there are additional forms that need to be completed and provided to our staff. There are also additional procedures that will need to be followed. Please ask any counselor for the forms or procedures. We will provide all of the necessary forms and requirements to any vendor you choose to make sure your service is right.

Ivy Lawn is NOT responsible for the inspection of approval of the condition of any product including a vault if purchased from an outside source. Please refer to the company that you made the purchase from with any questions or concerns.

Please refer to “Cemetery Restrictions” for specific items that may be important for you to consider when scheduling a burial service.

CONSUMER NOTICE: GRAVE CONDITION AFTER BURIAL

The appearance of the cemetery is our highest priority. We know and understand that graves should be, and deserve to be, green, lush, and beautiful. However, when we have a new burial we start anew using our internal process to bring the grass back.

Grass is the most difficult part of the *after burial process*. We will care for the grave and make every effort to bring the grass back as quickly as possible but you need to know that it will take time. We have an immediate routine to follow which includes watering, and laying drought tolerate grass seed with applying an organic soil amendment. We will begin immediately but it will take time.

There are stages that the grave will experience including settling, re-leveling, reseeding, and there may be more individual work needed depending upon the season or weather conditions.

There is an unknown amount of time and effort needed to bring the grass back. Months after the burial will be a time of growth. You will see stages including the dirt stage, then you see wisps of grass, you will notice progress and then we may regress. This is normal. The grave requires constant attention and we expect to work on it for months.

There are conditions that will affect the grave which are out of our control such as:

- May need to re-seed and this will set back growth.
- The drought has a major affect.
- Seasons, time of year, temperatures, wind conditions, and activity will create circumstances that do no help the process of growing grass.
- If flowers are laying on the grave this will prohibit grass from growing.
- If the grave “settles” and requires re-leveling, dirt is treated, grass seed will be added and the process starts from the beginning. This means more time is required.

Please remember that California’s ongoing drought problem dictates a certain way we have to care for the graves. The process of growing the grass will require patience. Heat or cold extremes will have their effect, and heavy winds, Santa Ana conditions, and nature’s own course will have its effect on our processes. Please be patient!

16. RIGHTS OF PROPERTY HOLDERS KNOWN AS “DEED HOLDERS”

Statutory Basis: Rights to the use and descent of property within a cemetery are governed by California law. The law is paraphrased below with citations to the codes involved. Statutory provisions may be altered by appropriate provision in a will or other writing.

Ivy Lawn recommends that property owners get legal advice to carry out their wishes regarding use and disposition of property at Ivy Lawn Memorial Park.

Burial rights are issued to the deed holder by a cemetery deed issued at the time of purchase or when entire payment has been received by Ivy Lawn by the president and secretary of the Board of Ivy Lawn.

17. PAYMENT AND PURCHASES

There are many types of burial property offered throughout out the cemetery. Please consult an Ivy Lawn counselor for assistance.

There are price lists available for every type of property we have. The lists explain the costs and some procedure and products involved with each property.

Any burial property must be paid for in full prior to any burial taking place.

Ivy Lawn does not accept cash or personal checks.

Ivy Lawn will work with an insurance policy if funds are needed for a funeral or burial. An “assignment” is usually required. Please consult with an Ivy Lawn counselor for details.

Specific rules and regulations apply. A financing agreement is required.

18. PAYMENT OPTIONS

• Insurance Assignment(s):

Ivy Lawn will accept an assignment of an insurance policy if funds are needed for a funeral or burial. An “assignment” is usually required by the insurance company, signed by the beneficiary. Please consult with an Ivy Lawn counselor for details. There is a fee required if an assignment is used. Please refer to our price lists.

• Pre-Need Services:

We understand that peace of mind is best achieved by planning. We offer pre-need arrangements that allow for purchasing burial property ahead of time. With pre-need arrangements the purchaser pays for the memorial property and services at today’s rates and benefits from some guaranteed prices. You choose a location and tell us what services and products you prefer and arrangements are made with your exact needs. We hope that this will eliminate the emotional and financial burden on survivors of making difficult decisions during times of emotional distress. Ivy Lawn counselors can arrange pre-need plans and will answer your questions and concerns without obligation.

- **Financing:**

A financing agreement for property purchases can be agreed upon and signed. The following terms are required:

- a. Minimum of 25% deposit of cost must be made at time of purchase;
- b. Agree to make monthly payments;
- c. Payments amortized for 12 months with no interest charged;
- d. Must have email to receive invoices;
- e. If U.S. mail is used a one-time \$10.00 fee will be added to the cost of the purchase;
- f. Payments can be made by check or credit card;
- g. Purchaser must agree to Ivy Lawn's "Rules and Regulations."

Purchaser will sign and agree that as LIQUIDATED DAMAGES: If purchaser fails to complete this purchase, or fails to make timely payments, because of buyer's default, Ivy Lawn will send, via certified mail, a written demand to the purchaser. If the purchaser fails to make the scheduled payment, or fails to cure the payment within thirty (30) days receipt of the demand letter, Ivy Lawn will have the right to sell the same property to the public. Any payments made on the account shall be retained by Ivy Lawn as liquidated damages.

Important to Note:

- Endowment care is due after burial property is paid in full.
- No deed will be issued, nor burial be permitted, until the account is paid in full.

19. BURIAL CHOICES

A. Full Size Burial Plot/Grave or Crypt:

Full graves or crypts can be bought as a **single** depth or "double depth grave" or a double crypt.

In addition to full casket burials, full size graves will accommodate up to 4 (four) cremation/urn burials **IN ADDITION** to the casket burials. You should be aware that there are fees involved for every additional burial. Vaults may also be required.

Full-size graves are located throughout the park's 60 acres. Staff will assist with the selection of the perfect location from among numerous options.

If other family members are interred at Ivy Lawn, there may be a location available close to them, or a special view or direction might be important. Let the staff know.

Crypts are located inside and outside the chapel mausoleum and the 2 adjoining mausoleums. New couch crypts are located at our waterfall area. They offer custom design features and are located at our only water feature.

Granite benches throughout the park overlook tree-shaded groves, beautiful gardens and many historical settings are available. Ask our staff for suggestions or ideas when purchasing a grave.

Unless directed by the customer, Ivy Lawn will dig every grave at a double depth level. This will allow for future use of the grave even if purchased as a “single grave.” There will be “conversion fees” due if a grave is used for multiple burials but was purchased as a single grave.

B. Oversized Casket Burials:

It is common for individuals to need accommodations for larger than “average” cases. You may need “oversized products” or oversized burial location. Caskets and vaults are made specifically to fill the need for these types of accommodations. Costs are minimally higher for these products. Consult price lists.

You may need an “oversized” grave to accommodate a decedent that is over the “average” size. We have specific areas with larger sized graves to accommodate the need. Please inform your Ivy Lawn counselor that you may need special accommodations and they can direct you to the special graves that we offer. The cost will be higher due to the space required.

C. Burial in an existing “occupied” grave:

This is a complicated process. Ivy Lawn requires written authorization from ALL next of kin of the decedent buried in that grave. Also, we will require the signed authorization of any and all “deed holders.”

All next of kin of the buried decedent and all next of kin of the newly deceased must sign and authorize for any change to the grave including burials, marker placement and or conversion of the grave.

In summary and without exception:

- a. The deed holder(s) must sign and authorize;
- b. All authorizing agents of the existing burial must authorize. This includes ALL surviving siblings, parents, etc.;
- c. ALL authorizing agents of the newly scheduled burial.

These same restrictions apply to the placement of a new marker on this grave or changes to an existing marker on the grave.

D. Future burial by extended family who assume they have authority to use to the grave.

Unless the deceased had provided written direction to Ivy Lawn to allow future burials, **only the FIRST generation of the deceased** buried in the grave has the privilege to use the grave for additional burials.

1. **SELLING, TRANSFERRING PROPERTY.** Purchaser (“deed holder”) can sell or transfer burial property. Ivy Lawn must be paid prior to finalizing the transfer or the sale. Both buyers and sellers should consult with Ivy Lawn staff prior to conducting a purchase, sale and or transfer. The original deed must be surrendered or a will must be presented showing the disposition of the burial property or a court order will be necessary. Ivy Lawn will not collect money for the property or get involved in any negotiations. Payment of endowment care fees will be required prior to transferring the interest in the property.

If the deed holder(s) has passed away, Ivy Lawn will require a copy of a will or trust, or court order that names the person(s) that have inherited the property. If legal documents are not available Ivy lawn will require identification of all heirs and a written agreement from all heirs to agree to the sale or transfer.

2. IVY LAWN WILL PURCHASE THE BURIAL PROPERTY BACK. We are non-profit and do not offer profit to any seller. Ivy Lawn will exchange/ credit a property owner the value of their property if it is applied to a new property. If the price paid is lower than current value then we will credit 50% of the current value of the same type of property towards the new property. A return fee will be charged at the time of return. Call the Ivy Lawn office for policy and procedures.
3. ENDOWMENT CARE FEES WILL NOT BE REIMBURSED OR RETURNED.
4. MERCHANDISE COSTS WILL NOT BE REIMBURSED.

E. "Used" grave:

To use, buy, or sell a grave that was previously used for a prior burial, you must satisfy whoever is going to use the property with the facts of the prior burial. Do not rely upon Ivy Lawn for any information, any guarantees, any statement of facts related to the grave.

The deed holder(s) must disclose that the grave had been previously used to any user. There will be specific language added to any authorization for interment that discloses the prior use. A user knowingly accepts prior use of the grave and accepts that Ivy Lawn has no liability to this user in any way.

If a grave or niche has been used for a prior burial or inurnment, and a disinterment has taken place, that grave or niche can be used for another burial or inurnment ONLY if the circumstances of the prior burial is disclosed to the person authorizing the burial after it has been used. There must an agreement, in writing, stating the circumstances of the grave or niche and the acceptance of the "history" of the grave or niche by the party using it for current burial or inurnment.

Please refer to "Cemetery Restrictions" for specific items that may be important for you to consider when scheduling a burial service.

F. Bury Urn with Casket:

You can bury urns with a casket. If you bury a casket and an urn at the same time there will be only one burial fee. Conversion fees, if required, will be due prior to the service.

It is your choice if you prefer to bury the urn inside the casket. If you bury separate from the casket a cremation vault will be required. You should verify that the urn will fit into a cremation vault.

In any full size grave, with required authorizations, you can bury up to 4 urns in a grave even if there are burials in this grave.

G. Family Plots:

Ivy Lawn Memorial Park & Funeral Home offers family plots in select areas of the cemetery. Family plots are purchased at one time and may be in increments from 2

to 6 up to 12 contiguous graves. These plots are indivisible, as they are intended to provide families the opportunity to be together. These specific areas were designed to accommodate large, upright granite monuments, each individually designed by the family, that stand tall and provide space for personalized inscriptions.

Ivy Lawn encourages families to complete a “Family Plots Agreement” and signed authorizations. Ivy Lawn will ask for estate documents if applicable.

Because family plots involve multiple plots and multiple burials, considerable complications are created. Be aware that multiple graves lead to multiple issues. Important considerations should be made to future planning.

Family Plots and Planning:

A family plot is a section of graves containing multiple graves and are located in designated “monument” areas in our cemetery. The plots may contain either single or double depth graves.

Because family plots involve multiple plots and multiple burials, considerable complications are created. Be aware that multiple graves lead to multiple issues. Important considerations should be made to future planning.

Family plots require planning for future burials. If the deed holder passes away without a will, and Ivy Lawn has no written instructions on what the plan was for the properties that are available then ALL children of the deed holder(s) must agree that no assignment, no transfer, no sale, and no donation of any unused portion of a family plot shall be made until all persons that are entitled to be buried in the family plot property are deceased or have expressly waived, in writing, the right to be interred in the family plot properties.

Planning is imperative when purchasing a family plot. The purchase of multiple plots signify that there is the intention for multiple family members to be buried within the family plot. If the plots can be designated to specific family members at the time of purchase, complications can be minimized. Be prepared to provide Ivy Lawn Memorial Park with the identity of who the graves are intended for, and their relationship to the deed holder. Pre-need files can be set up at the time of purchase for each recipient and authorizations can be signed immediately by the deed holder. This will eliminate the need for the deed holder’s signature at the time of need.

The ownership of all the burial rights is always with the deed holder. Circumstances can become extremely complicated when the deed holder passes away and there are graves that have not been reserved or designated with specific direction.

In order to reduce future complications, Ivy Lawn requests that the deed holder provide Ivy Lawn Memorial Park with a copy of their last will and testament. A copy will be made part of the records and the will can provide direction to the cemetery as to the wishes of the deed holder.

If the deed holder has signed an authorization for interment for an intended grave recipient, then Ivy Lawn has the proper direction to know which grave is reserved for which family member.

The deed holder can provide the cemetery with their wishes and intentions, in writing, for all graves. The cemetery will follow this direction from the deed holder.

If the deed holder has passed, and plots remain unoccupied, ALL heirs must sign and agree to any burial or agree to the reservation of any plot. If there is a transfer or assignment of a grave, the same limitations apply.

Ivy Lawn may hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

If there is not a last will and testament, the cemetery will follow the law as dictated in Health and Safety Code Sections 8650-8651.

Refer to the following statutes that apply to family plots:

HEALTH AND SAFETY CODE - ARTICLE 3. Family Interment Plots [8650 - 8653] 8650.

- a. Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner or of the remains of the record owner is made in a plot transferred by deed or certificate of ownership to an individual owner, the plot shall become the family plot of the owner.
- b. If the owner dies without making disposition of the plot either in his or her will by a specific devise, or by a written declaration filed and recorded in the office of the cemetery authority, any unoccupied portions of the plot shall pass according to the laws of intestate succession as set forth in Sections 6400 to 6413, inclusive, of the Probate Code.
- c. As of January 1, 2002, any unoccupied portions of a family plot that became inalienable pursuant to this section as it read on December 31, 2001, shall no longer be inalienable and shall pass according to the laws of intestate succession as set forth in Sections 6400 to 6413, inclusive, of the Probate Code. No sale, transfer, or donation of any unused portion of a family plot made alienable under this subdivision shall be made unless all persons entitled to interment in the family plot under Sections 8651 and 8652 are deceased or have expressly waived in writing the right to be interred in the family plot.
- d. The seller of a cemetery plot shall notify the buyer that unused portions of a family plot may pass through intestate succession unless written disposition is made by the buyer and may be sold, transferred, or donated by the buyer's heirs. The seller shall notify the buyer of the effect of a future transfer, sale, or donation of the unused portion of a family plot on any endowment for care or maintenance of the plot that the buyer may purchase in conjunction with the purchase of the cemetery plot.

8650.5.

An affidavit executed by a person who is the owner of the plot by virtue of the laws of intestate succession or by his or her attorney-in-fact, setting forth the fact of the death of the owner, the absence of a disposition of the plot by the owner in

his or her will by a specific devise, the name of the person or persons who have rights to the plot under the intestate succession laws of the state, and the consent of that person or those persons to the sale of the plot by the cemetery authority, shall constitute complete authorization to the cemetery authority to permit any sale of the unoccupied portions of the plot.

8651.

In a family plot one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot.

8652.

If no parent or child survives, the right of interment goes in the order of death first, to the spouse of any child of the record owner and second, in the order of death to the next heirs at law of the owner or the spouse of any heir at law.

8653.

Any surviving spouse, parent, child or heir who has a right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative of either the deceased owner or of his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

• **Planning:**

Planning is imperative when purchasing a family plot. The purchase of multiple plots signify that there is the intention for multiple family members to be buried within the family plot. If the plots can be designated to specific family members at the time of purchase, complications can be minimized. Be prepared to provide Ivy Lawn Memorial Park with the identity of who the graves are intended for, and their relationship to the deed holder. Pre-need files can be set up at the time of purchase for each recipient and authorizations can be signed immediately by the deed holder. This will eliminate the need for the deed holders signature at the time of need.

A grave located in a family plot probably means there are multiple signatures required for authorizing each burial. *The deed holder must authorize every burial* that will take place in the designated family plot AND also statutes will dictate who is *the authorizing agent (next of kin) and they too must sign for each decedent.*

In order to reduce future complications, Ivy Lawn requests that the deed holder provide Ivy Lawn Memorial Park with a copy of their last will and testament. This copy will be made part of our records as the will will provide direction to the cemetery as to the wishes of the deed holder.

1. If the deed holder has signed an authorization for interment for an intended grave recipient, then Ivy Lawn has the proper direction to know which grave is reserved for which family member.
2. The deed holder can provide the cemetery with their wishes and intentions, in writing, for all graves. The cemetery will follow this direction from the deed holder.

3. If the deed holder has passed, and plots remain unoccupied, ALL heirs must sign and agree to any burial.
4. If the deed holder has passed, and plots remain unoccupied, ALL heirs must sign and agree to a reservation of a plot.
5. If there is a transfer or assignment of a grave, the same limitations apply.
6. If there is no last will and testament, the cemetery will follow the law as dictated in Health and Safety Code.

See the following statutes that apply to family plots:

“As of January 1, 2002, any unoccupied portions of a family plot that became inalienable pursuant to this section as it read on December 31, 2001, shall no longer be inalienable and shall pass according to the laws of intestate succession as set forth in Sections 6400 to 6413, inclusive, of the Probate Code. No sale, transfer, or donation of any unused portion of a family plot made alienable under this subdivision shall be made unless all persons entitled to interment in the family plot under Sections 8651 and 8652 are deceased or have expressly waived in writing the right to be interred in the family plot.”

In a family plot, one grave, niche or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a vested right of interment in it; and in those remaining, if any, the parents and children of the deceased owner in order of death may be interred without the consent of any person claiming any interest in the plot. *(Per Health and Safety Code - Section 8650-8651)*

1. Ivy Lawn may hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.
2. One central or family upright monument shall be allowed and shall be set in the center of the plot, unless otherwise requested and approved by Ivy Lawn.
3. All upright monuments shall be granite and must be of dimensions approved by the Board of Directors of Ivy Lawn. All foundations will be constructed by Ivy Lawn at the expense of the deed holder, payable when the work is ordered.
4. Each full grave can have up to three (3) 28 x 16 markers. For costs please refer to the Ivy Lawn Memorial Park “Marker Price List.”
5. Each full grave can have up to three (3) vases.
6. An upright monument may be placed on the foundation by the producer. See “Rules and Regulations” 4.08 noted below.

“The producer of any monument must provide Ivy Lawn with a current Insurance Certificate PRIOR to scheduling placement of the monument.

Workmen employed in placing or erecting monuments and other structures, or bringing in materials, shall as to Ivy Lawn, operate as independent contractors, but must do so under permission from Ivy Lawn. Persons engaged in erecting monuments or mausoleums, are prohibited from attaching ropes to monuments,

trees and shrubs, or from scattering their material over adjoining lots, or from blocking avenues or pathways, or from leaving their material on the grounds longer than absolutely necessary. They must do as little injury to the grass, trees and shrubs as possible, and must remove all debris and restore the ground and sod to its original condition. Damage done to lots, walks, drives, trees, shrubs or other property by dealers or contractors, or their agents, shall be repaired by Ivy Lawn and the cost of such repair shall be charges to the dealer or contractor, or its principal.

Ivy Lawn reserves the right to bar any producer or retail dealer who violates the rules of Ivy Lawn from the park for such periods of time as the Board of Directors deems appropriate.”

H. Above Ground Burials – Crypts:

Ivy Lawn offers the option of above ground burial in its many crypts which can be found inside the mausoleums, the chapels or outside in multiple garden settings.

Inside crypts are available in the chapel for those that prefer an indoor location.

Outside crypts are available on either side of the mausoleum. These accessible buildings were designed to capture both sunshine and shade each day and to accommodate either single or double above ground burial spaces with views of the chapel, mausoleum or scenic vistas across the park.

Waterfall Garden is an outdoor area that offers the only “couch crypts” available at Ivy Lawn. It is a secluded area with the cemetery’s only waterfall.

I. Cremation Burials, Urn Burials:

In Ground Burial: Cremation graves (known as a half grave) can accommodate burial of two (2) urns. They each have their own grave marker restrictions so please ask the office about these details prior to purchase.

Cremation Gardens: Hundreds of spaces for cremated remains are available in the many gardens within Ivy Lawn. To meet the unique needs of families, Ivy Lawn provides many styles of gardens with individual markers and upright monuments. We offer several special gardens with unique amenities designed for single or double in-ground burials of urns, with various designs of markers.

Aboveground Urn Burial: Options such as cremation niches are available for the placement of small cremation urns into specially designed structures. Niches of different heights are available, options of indoor and outdoor locations such as the columbarium, or memorial walls and garden settings. Niches with fronts of marble, bronze, granite and glass are available, along with various memorial plaques, markers or engraved plates.

• Burial Allowances:

You can bury urns with a casket. If you bury a casket and an urn at one time there will be only one burial fee. Conversion fees, if required, will be due prior to the service. It is your choice if you prefer to bury the urn inside the casket. If you bury separate from the casket a cremation vault will be required. You should verify that the urn will fit into a cremation vault.

All burials, disinterments, cremations, and removals are subject to the orders and laws of the property constituted authorities of the state, county and city. When these “Rules and Regulations” are based directly upon a statute, reference will be given to the pertinent code.

Only human remains are buried at Ivy Lawn Memorial Park.

The park does not permit the burial of mementoes, regardless of size, on the outside of the casket or urn.

J. Used Grave or Niche:

If a grave or niche was used for a prior burial or inurnment, and a disinterment has taken place, that grave or niche can be used for another burial or inurnment **ONLY** if the circumstances of the prior burial are disclosed to the person authorizing the burial. There must be an agreement, in writing, stating the circumstances of the grave or niche and the acceptance of the “history” of the grave or niche by the party using it for current burial or inurnment.

Please refer to “Cemetery Restrictions” for specific items that may be important for you to consider when scheduling a burial service.

If considering burial in an existing grave, either full grave or half grave these common requests might apply.

K. Burial in an Existing “Occupied” Grave:

This is a complicated process. Ivy Lawn requires written authorization from **ALL** next of kin of the party buried in that grave. Also we will require the signed authorization of any and all “deed holders.”

All next of kin of the buried decedent and all next of kin of the newly deceased must sign and authorize for any change to the grave including burials, marker placement and or conversion of the grave.

In summary and without exception:

1. The deed holder(s) must sign and authorize;
2. All authorizing agents of the existing burial must authorize. This includes ALL surviving siblings, parents, etc.;
3. ALL authorizing agents of the newly scheduled burial.

These same restrictions apply to the placement of a new marker on this grave or changes to an existing marker on the grave.

L. Future Burial by Extended Family Who Assume They Have Authority to Use to the Grave.

Unless the deceased had provided written direction to Ivy Lawn to allow future burials, **only the FIRST generation of the deceased** buried in the grave has the privilege to use the grave for additional burials.

M. Scattering Gardens:

Scattering has become a popular option for placement of cremated remains. Ivy Lawn is pleased to offer multiple locations in the park.

A simple and thoughtful act, scattering allows an individual to become part of a place that had special meaning while allowing a place for family members to go to remember and reflect. It can also symbolically help a family “let go,” thereby supporting the healing process.

Scattering is allowed in designated areas only. The cremated remains are poured into a vault that is set below the soil. It is not exposed. Only persons permitted to participate in the actual scattering are the deceased family or cemetery personnel.

California codes state that cremated remains must be removed from the container “urn” before scattering and must be distributed so that passersby will not be disturbed by the remains. The urn can be returned to the family or at their request Ivy Lawn can destroy the container.

Except with written permission of the person with the right to control the disposition, the law prohibits commingling cremated remains prior to scattering.

Scattering gardens offer affordable choices for families. Loved ones will forever be a part of our historic cemetery — their ashes scattered in our garden and their memorial on a handsome granite panel. Inscriptions are available at all locations.

N. Multiple Burials in One Grave or Niche:

Ivy Lawn does cooperate with multiple burials on one burial location. Specific authorizations are required and fees for conversion will apply. Burial fees will be charged for every burial.

Ivy Lawn will charge a “conversion fee” equal to the price difference between a single grave and a double grave. Please consult our “price list” for an up to date cost.

All charges for services including disinterment and re-interment are based on current fee schedules.

Not more than one body, or the remains of more than one body, shall be interred in one grave UNLESS such grave has been purchased with the written agreement and intention that more than one body or remains of one body may be interred. If there is no prior written agreement any new burial where an existing burial exists, will require the signature of the deed holder(s), and will also require the signatures of all family members to authorize the additional burial.

When a grave is designated for disposition of multiple remains the following limitations apply:

- a. In a single depth grave, no more than one casket and four cremated remains;
- b. In a double depth grave, no more than two casket burials and four cremated remains.

Crypts may contain no more than one casket and one cremated remains or not more than six cremated remains.

Cremation estates will allow for placement of multiple cremated remains. If space allows it is up to the family or deed holder(s) to decide the limit of remains that can be placed in the estate.

Niches may contain the number of cremated remains which space allows.

Ivy Lawn will permit converting an existing grave for multiple use if:

- a. There is no written limitation by the purchaser of the property who has been buried in the property;
- b. The grave is reviewed by Ivy Lawn to determine the depth of existing burials and found suitable for multiple disposition;
- c. If it is necessary to disturb an existing burial we will require proper consent and authorizations be obtained to allow Ivy Lawn to disinter the existing burial, dig the grave to accommodate an additional burial and then re-inter.

Cremated remains MAY NOT BE added to a casket which has been previously buried.

• **Fees:**

Any burial property must be paid for in full prior to any burial taking place.

Conversion fees will be required for every multiple burial in addition to the original burial.

Ivy Lawn charges one fee called a “burial fee.” This fee includes every need and expense that you a burial fee will be charged for every multiple burial, either casket burial or urn burial.

Burial fees are required for every burial that takes place if done at separate times.

Fees are required to be paid at least 48 hours prior to the service taking place.

Ivy Lawn does not accept cash or personal checks.

• **Authorizations:**

Ivy Lawn will not take any action without proper signed authorizations.

Ivy Lawn will open a grave for any purpose including interment and disinterment, **ONLY upon written authorization by every grave owner of record (“deed holder”) AND the legal next of kin of the deceased.**

Ivy Lawn will honor the written direction including or restricting future interment, disinterment, removal or addition of remains given to the office by the owner(s) prior to death.

Authorizations shall only be made on the forms of Ivy Lawn Memorial Park and they must be filed and received by the administration office.

The specific authorization form and specific policy that applies will depend upon what you are asking the cemetery to do. There are limitations and restrictions. Please inquire PRIOR to needing services. Planning is essential and should be considered at the time of purchase.

Authorizations are required for every burial. No exceptions. If arrangements are not made for future use of the grave then specific authority will be required by Ivy Lawn.

Any change to a grave, including interments, marker placement, or conversions, will require written authorization from ALL next of kin of the party buried in that grave. We also require the signed authorization of any and all “deed holders.”

Please refer to “Cemetery Restrictions” for specific items that may be important for you to consider when scheduling a burial service.

• **Outer Burial Container –also Known as a “VAULT:”**

Ivy Lawn requires the use of an outer burial container for any urn burial (unless area specifically states that it is not a requirement). These are commonly referred to as “vaults.”

You have the right to choose whatever type of vault you desire. Ivy Lawn Memorial Park & Funeral Home sells vaults. Please refer to our “Outer Burial Container Price List” or ask any staff member for assistance. You should consult with an Ivy Lawn counselor for full explanations.

Ivy Lawn is NOT responsible for the inspection or approval of the condition of any product including a vault if purchased from an outside source. Please refer to the company that you made the purchase from with any questions or concerns.

Please refer to “Cemetery Restrictions” for specific items that may be important for you to consider when scheduling a burial service.

20. CREMATION

To answer increased interest in cremation, Ivy Lawn has built a state-of-the-art crematory on our grounds to ensure the utmost in service, privacy, respect and to allow more flexibility and freedom for families.

Ivy Lawn offers such service options as identification viewing, witnessed cremation and simple cremation services.

Cremation is not reversible. Every consideration must be given prior to the cremation taking place.

Ivy Lawn Crematory is not open to the public.

• **Cremation Requirements:**

Cremation will take place after all of the following conditions have been met:

- a. Authorizations have been signed by all lawful parties. If signed outside the presence of Ivy Lawn or a licensed funeral director, all authorizations must be signed in the presence of a notary public;
- b. Scheduled ceremonies or viewings have been completed;
- c. The body of the decedent has been delivered to Ivy Lawn in an appropriate container;
- d. Verification of identity has been completed by matching tags with labels on the container;
- e. Civil and medical authorities have issued all required permits and certificates;
- f. All necessary authorizations have been signed and no objections have been raised or received by Ivy Lawn.

Many state environmental authorities do not allow the combustion of any plastic materials. Ivy Lawn, at its sole discretion, reserves the right to require the funeral director to remove these materials, whether combustible or not, and other refuse in a non-recoverable manner.

• **Direct Cremation:**

Ivy Lawn Memorial Park and Funeral Home offers distinctive services for preparing bodies for burial or cremation only. We do not offer services typically associated with mortuary services. WE OFFER NON MORTUARY LIMITED SERVICES that are INCIDENTAL TO BURIAL OR CREMATION AT IVY LAWN MEMORIAL PARK.

Direct Immediate Burial or Direct Cremation Means:

Burial at Ivy Lawn Memorial Park involves NO washing of the body, NO viewing of the body, NO identification, NO embalming, NO dressing, NO procession by foot or vehicle, and NO combination of services with other funeral homes.

FAMILY understands and agree that only Ivy Lawn will assist transport of the casket to the grave in designated van.

FAMILY will greet casket at the graveside. NO EXCEPTIONS.

FAMILY may witness lowering but must leave graveside by 4:00 P.M. NO EXCEPTIONS.

FAMILY understands that soil will be immediately placed into the grave at time of lowering.

FAMILY will observe all safety instruction from staff during burial.

FAMILY will observe the code of conduct while in the cemetery at all times.

FAMILY must agree to treat all staff with dignity and respect, no foul language will be permitted.

FAMILY is responsible for all personal effects and will directly handle any personal property.

FAMILY understands that there are specific requirements and limitations for any grave marker specific to the grave location. There are NO EXCEPTIONS to the rules and regulations for a grave marker either a single grave, multiple graves and/ or monument markers. Please refer to Ivy Lawn “Rules & Regulations” attached.

IVY LAWN can handle pick-up and delivery of casket from outside vendor.

• **Sole Cremations:**

All cremations are performed individually. Ivy Lawn will only place the human remains of one individual in the cremation chamber at a time. Exceptions are only made when the express written permission of the person entitled to control disposition of all of the remains involved. (*See California Health and Safety Code Section 7054.7*)

• **Caskets/Containers:**

Ivy Lawn requires an approved container for cremation. Ivy Lawn will cremate if a casket has been used but we will not accept a metal casket for cremation.

Ivy Lawn will inspect every casket and or container. We will contact the funeral director directly for instructions in the event there are any questions.

Many caskets that are comprised of primarily combustible materials may also contain some exterior parts such as decorative handles or rails. These are not combustible and must be removed prior to cremation as they can cause damage to the cremation chamber. Many state environmental authorities do not allow the combustion of any plastic materials. Ivy Lawn, at its sole discretion, reserves the right to require the funeral director to remove these materials, whether combustible or not, and other refuse in a non-recoverable manner.

If using an “alternative container” there are standards that must be met. The container must:

1. Be composed of readily combustible materials suitable for cremation;
2. Be able to be closed to provide a complete covering of the human remains;
3. Be resistant to leakage or spillage;
4. Be sturdy for handling with ease;
5. Be able to provide protection for the health and safety of the crematory personnel.

• **Urns:**

When cremation is complete cremated remains are processed and placed in an urn or temporary container. Ivy Lawn provides a temporary container known as “plastic urn” at no extra cost. It is included in our “Direct Cremation.”

Ivy Lawn requires that all urns be resistant to deterioration and, in the case of an adult, the urn be a minimum size of 200 cubic inches. If the remains will not fit in one urn we will provide two urns at no charge.

Ivy Lawn will not divide or separate remains. Funeral homes handling the cremation will be responsible for this request.

Ivy Lawn will follow disposition instructions given to us in writing by the authorizing parties.

CREMATION PROCEDURES:

• **Identification Viewing:**

Acting as the funeral home, Ivy Lawn will arrange for an identification viewing if authorized. This will include a very brief verification of identity by seeing the decedent just prior to entering the cremation chamber.

• **Witness Cremations:**

Witnessing a cremation is a privilege given by the authorizing parties. Consent to witnessing a cremation may be withdrawn at any time. Written consent is required from all individuals who signed the Cremation Authorizations. Ivy Lawn must receive, review and approve all required documents prior to allowing the witness process.

Eligible witnesses will be named on the forms by all authorizing agents. No one under the age of 18 is allowed unless accompanied by their legal guardian and legal guardian has signed consent and provided paperwork to Ivy Lawn.

Our facility offers limited witnessing space. Ivy Lawn reserves the right to limit the number of witnesses to no more than 10 persons. Ivy Lawn must have advance notice if special requirements are needed.

Specific forms are required. Witnesses must sign forms acknowledging receipt of a copy of our “Rules and Regulations” and must agree to waive any claims for emotional distress or any other harm caused by a cremation conducted in a manner approved by Ivy Lawn and according to all laws.

• Conduct of Witness Cremation:

The following rules will benefit and protect the witnesses to cremations and also Ivy Lawn Memorial Park and Crematory. These are intended to protect and provide respect for every decedent in our care and any witness to the process. The following procedures are followed:

1. Follow the direction of Ivy Lawn staff with no deviation from statutory requirements permitted;
2. All attendees must remain in the designated area never going beyond behind the glass partition;
3. Proper decorum will be maintained during cremation. Ivy Lawn reserves the right to remove any individual that is disrespectful of the rules and the process;
4. When the crematory staff close the curtain the witness process is over.

UNCLAIMED REMAINS:

Ivy Lawn reserves the right to dispose of cremated remains by interment in an unmarked grave or by scattering after ninety (90) days if we have not been contacted by the family or funeral director with other acceptable instruction. Ivy Lawn will advise the family and funeral director by certified letter and ask for a returned receipt. The letter will be sent to the last known address at least fifteen (15) days prior to any burial or scattering.

21. DISINTERMENTS AND REMOVALS

Disinterments and removals are defined as taking out of the place of interment, exhume, unearth. This is a very serious process and requires authorizations from many involved parties. Ivy Lawn will not take any action until we have all signed documentation in our possession. If more than one burial is in the property we will be disturbing ALL parties of ALL burials will have to authorize and approve of the disinterment.

Ivy Lawn will not take any action without proper signed authorizations.

Ivy Lawn will open a grave for any purpose including interment and disinterment, **ONLY** upon written authorization by every grave owner of record (“deed holder”) **AND** the legal next of kin of the deceased.

Ivy Lawn will honor the written direction restricting future interment, disinterment, removal or addition of remains given to the office by the owner (s) prior to death.

Authorizations shall be made on the forms of Ivy Lawn Memorial Park and must be filed and received by the administration office.

Ivy Lawn will exercise due care when conducting a disinterment and removal but it shall assume no liability for damage to any casket or outer burial container or urn while completing the disinterment and removal. A funeral director of your choice as the authorizing agent must be present prior to beginning the process. They will be responsible for taking custody of the remains and repair or replacement of the casket.

There are certain things you should understand prior to deciding on disinterment. Ivy Lawn buries with the intent that the grave will never be disturbed unless an additional burial will take place. Disinterment and removal is not something Ivy Lawn prepares for.

Conditions will differ based on the date of the burial, the location of the burial property and the preparation of the decedent. You should expect damage to the outer burial container "vault." You will be responsible for the cost of removing and discarding the vault. Expect damage to the casket.

Because we require the use of vaults for any full casket burial or urn burial certain heavy equipment and procedures must be used to complete the process. You should consult with an Ivy Lawn counselor for full explanations.

No opening of the casket is permitted on the grounds of Ivy Lawn. Please make arrangements with your funeral director if this is an important issue for you.

For privacy and respect reasons, disinterments and removals are normally handled early in the morning hours prior to opening of the cemetery. When the vault is removed from the grave it will be opened. The casket is removed and the funeral director will immediately remove the casket from the cemetery.

22. RIGHTS OF DEED HOLDER(S)

A "Deed to Cemetery Property" is issued when a purchase is complete. This deed will be issued by Ivy Lawn to identify the owner (known as the "deed holder(s)") of the property, and also verifies the location of the property, and a description of the property. A deed holder disclosure is provided and must be completed by the purchaser(s) to provide Ivy Lawn with the necessary information including vesting information which is required.

The ownership of all the burial rights is always with the deed holder. Circumstances can become extremely complicated when the deed holder passes away and there are graves that have not been reserved or designated with specific direction. All property conveyed to individuals, if not designated at the time of purchase, may be presumed to be the sole and separate property of the owner named in the instrument of conveyance per *California Health and Safety Code Section 8600*. Exceptions may be made if last will and testament documents are provided.

If a will or trust documents are provided to Ivy Lawn the deed can include the instructions of the will or put in the name of trustee of the trust or Ivy Lawn can use the language from the document to know how to proceed. If Ivy Lawn Memorial Park has a copy of their last will and testament it will be made part of the records and provide direction to the cemetery as to the wishes of the deed holder.

The spouse of an owner of any property permitting more than one disposition has a vested right of burial of his or her remains in the property. Any person becoming the spouse of the owner after purchase of any property has a vested right of burial of his or her remains in the property if more than one disposition is permitted at the time the person becomes the spouse of the owner. *(Per California Health and Safety Code Section 8602)*

No conveyance or other action of the owner, without written consent of the spouse of the owner, divests the spouse of a vested right of burial. A final decree of divorce terminates the vested right of a burial of a non-titled spouse unless otherwise provided in the decree. *(Per California Health and Safety Code Section 8602)*

Ivy Lawn may rely upon a notarized affidavit by any person having knowledge of the facts to determine the person(s) entitled to the use of the unoccupied portion of a property unless it has actual knowledge of the falsity of the affidavit. *(California Health and Safety Code Section 8605)*

In a conveyance to two or more person, as joint tenants, each joint tenant has a vested right of burial in the property. Upon death of a joint tenant, the title to the property held in joint tenancy immediately vests in the survivor(s), subject to the vested right of burial of the remains of the deceased joint tenant. An affidavit by any person having knowledge of the facts setting forth the fact of death of one joint tenant, and establishing the identity of the surviving joint tenant named in the deed, to any property, when filed with Ivy Lawn, is complete authorization to Ivy Lawn to permit the use if the unoccupied portion of the property in accordance with the directions of the surviving joint tenant(s) or their successor(s) in interest. *(California Health and Safety Code Section 8625-8628)*

When there are several owners of a property, or rights of burial in it, they may designate one or more persons to represent the owners and file written notice of designation of such authority with Ivy Lawn. In the absence of such notice, Ivy Lawn is not liable to any owner for burying or permitting a burial in the property upon the request or direction of any co-owner of the property. *(California Health and Safety Code Section 8629)*

Once a property is occupied there is no right to further burial in that property unless:

- a. The property was purchased for multiple burials as permitted and these rules;
- b. The property is converted to multiple burials as permitted by these rules;
- c. A proper disinterment results in the property being available BUT authorizing agent must disclose to agents of any new burial that grave had been previously used for burial;
- d. All authorizations have been signed as required by statute and these rules.

No one shall be buried in any property not having an interest therein, except by written consent of Ivy Lawn and all parties that have an interest in such property.

If the deed holder has signed an authorization for interment for an intended grave recipient, then Ivy Lawn has the proper direction to know which grave is reserved for which family member.

The deed holder can provide the cemetery with their wishes and intentions, in writing for all graves. The cemetery will follow this direction from the deed holder.

If the deed holder has passed, and plots remain unoccupied, ALL heirs must sign and agree to any burial or agree to the reservation of any plot. If there is a transfer or assignment of a grave, the same limitations apply.

Ivy Lawn may hold any plot conveyed or devised to it by the plot owner so that it will be inalienable, and interments shall be restricted to the persons designated in the conveyance or devise.

If there is not a last will and testament, the cemetery will follow the law as dictated in *Health and Safety Code Sections 8650-8651*.

23. DESCENT OF PROPERTY RIGHTS

If no burial is made in a property which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed upon the death of the owner, unless noted in a will or trust, the property descends to the heirs at law of the owner but is subject to the rights of burial of the decedent and the surviving spouse.

The foregoing descent may be modified if the owner has disposed of the property either by will by a specific devise or by a written declaration filed and recorded in the office of Ivy Lawn. (*See Health and Safety Code Section 8603.*)

If the owner dies without a will, the plot shall pass according to the laws of intestate succession. The foregoing descent may be modified if the owner has disposed of the grave either by will by a specific devise, or by a written declaration filed and recorded with Ivy Lawn. (*See Health and Safety Code Section 8650.*)

In a plot permitting multiple dispositions, one may be used for the owner's burial and one for the owner's surviving spouse if any who by law has a vested right of burial. And in those remaining, if any, the parents and the children of the deceased owner in order of death, may be buried without the consent of any person claiming any interest in the property. (*See Health and Safety Code Section 8651.*)

If no parent or child survives then the right of burial goes in the order of death, first to the spouse of any child of the record owner or his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot. (*See Health and Safety Code Section 8652.*)

Any surviving spouse, parent, child or heir who has a right of burial in a family plot may waive such right in favor of any other relative, or spouse of a relative, of either the deceased owner or his spouse, and upon such waiver the remains of the person in whose favor the waiver is made, may be interred in the plot. (*See Health and Safety Code Section 8653.*)

Ivy Lawn may take and hold any property conveyed or devised to it by the property owner so that it will be inalienable, and burials shall be restricted to the persons designated in the conveyance or devise. (*See Health and Safety Code Section 8680.*)

Subdivision:

The subdivision of property other than by Ivy Lawn is not allowed.

24. CONSUMER ALTERNATIVES FOR UNUSED BURIAL PROPERTY

Ivy Lawn Memorial Park & Funeral Home offers specific alternatives to customers that are wondering what options exist with burial property they own but will not use. Please note that specific requirements apply to any alternative.

Prior to taking action you are hereby informed that:

- a. No information will be released or shared with third parties;
- b. All arrangements are subject to the laws of inheritance and may require legal documentation;
- c. All arrangements are subject to confirmation by the cemetery prior to any actions taken;
- d. The customer is required to provide the cemetery with documentation that will verify the identity of a party that has the rights to the burial property.

• Return Property:

A return to Ivy Lawn Memorial Park means the cemetery agrees to buy “back” a burial property from the purchaser.

Ivy Lawn Memorial Park and Funeral Home will cooperate in the return of a burial property to the cemetery with the following stipulations:

- a. Ivy Lawn Memorial Park agrees to pay back the price that was paid at the time of purchase less any return fees that must be paid;
- b. Ivy Lawn Memorial Park will NOT refund any endowment care fees that were paid;
- c. Ivy Lawn Memorial Park will NOT refund the costs of any merchandise paid at time of purchase.

If you purchased the property at a lower price than the cemetery’s current price for the same type of property, Ivy Lawn Memorial Park will pay the purchaser 50% of the current price. The same stipulations listed above will apply.

A RETURN FEE will be charged or deducted from the proceeds of any return. Refer to Price List.

• Exchange for Other Property:

Ivy Lawn Memorial Park will exchange Ivy Lawn burial property for another choice of Ivy Lawn burial property.

- a. The original price paid for the property will be applied towards the current price of the new choice of property.

- b. If the original price is less than today's current price for the same property Ivy Lawn will credit up to 50% of the current price towards the price of the new property.

• **Transfer Burial Rights:**

Deed holder can authorize a burial to any party by signing the required cemetery documents. This is considered a transfer of their burial rights to the party designated in the documents.

- a. A transfer of burial rights is complete only by executing an Ivy Lawn Memorial Park "Authorization for Interment or Inurnment" or an affidavit as noted below. All authorizations or affidavits must be received, approved and recorded with the cemetery administration office to be effective.
- b. An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this code, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

• **Change of Ownership:**

Please exercise extreme caution when you "buy, sell, transfer" or create any "change of ownership" of burial property.

Ivy Lawn cannot participate in the process and offers NO service to an outside purchaser. No fees are transferable, no products are transferable, and a deed is not transferable.

Ivy Lawn Memorial Park cannot verify or confirm ownership of any burial property unless it is the original deed holder named on the original deed issued by the cemetery.

- a. No guarantee or verification of any terms in a private sale will be made or can be verified by Ivy Lawn Memorial Park.
- b. Sales are recognized only by receipt of a fully executed Authorization for Interment, or a completed Transfer Agreement received by the administration office of the cemetery. All required fees must be paid to the cemetery including the current endowment care fees.
- c. As part of an outside "sale or transfer" a new deed **will not be issued by the cemetery.**

• **Merchandise:**

Pre-paid or pre-set merchandise has NO compensated value therefore no credit or reimbursement will be made to the purchaser.

Refer to California codes that apply to burial property and cemetery property rights. Please review prior to contacting the cemetery. Codes will determine what actions are allowable.

California Health and Safety Codes

8600.

All plots conveyed to individuals are presumed to be the sole and separate property of the owner named in the instrument of conveyance.

8601.

The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

8602.

No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

8603.

If no interment is made in an interment plot which has been transferred by deed or certificate of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific devise or by a written declaration filed and recorded in the office of the cemetery authority, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

8604.

Cemetery property passing to an individual by reason of the death of the owner is exempt from all inheritance taxes.

8605.

An affidavit by a person having knowledge of the facts setting forth the fact of the death of the owner and the name of the person or persons entitled to the use of the plot pursuant to this chapter, is complete authorization to the cemetery authority to permit the use of the unoccupied portions of the plot by the person entitled to the use of it.

• Transfers, Assignment, Sale of property:

To transfer or sell any burial property you must have one of the following:

- a. Original deed;
- b. Last will and testament of the deed holder;
- c. A court order.

Any documentation is subject to the California Health and Safety Codes.

Ivy Lawn cannot participate in the process and offers NO service to an outside purchaser.

No fees are transferable, no products are transferable, and a deed is not transferable.

Ivy Lawn Memorial Park cannot verify or confirm ownership of any burial property unless original deed is provided. The original deed holder named on the original deed must authorize any changes.

- a. No guarantee or verification of any terms in a private sale will be made or can be verified by Ivy Lawn Memorial Park.
- b. Changes are recognized only by receipt of a fully executed Authorization for Interment, and/or Notification of Change of Ownership by the administration office of the cemetery.
- c. Deed holder is responsible for all fees due Ivy Lawn.
- d. All required fees must be paid to the cemetery including the current endowment care fees.
- e. A new deed will not be issued by the cemetery if there is any change of ownership.

What does not change is any burial property in Ivy Lawn Memorial Park is subject to all laws and ordinances, and to the following conditions, reservations, restrictions, and rules and regulations:

- a. No transfer, conveyance or assignment of any interest or rights acquired by grantee shall be valid without receipt of the deed that was issued by Ivy Lawn Memorial Park.
- b. No monument or other memorial, tree, plants, objects or embellishments of any kind shall be placed upon, altered or removed from the above described property by the grantee without the written consent of Ivy Lawn Memorial Park. All grading, landscape work, improvements of any kind, and all care of the above described property, shall be done, and all trees and plants of any kind, shall be made only by Ivy Lawn Memorial Park and its equipment. All interments shall be made subject to the use of the type of an outer container as shall be designated by Ivy Lawn Memorial Park in its rules and regulations.
- c. Ivy Lawn Memorial Park, at the expense of the grantee, and as a charge against the above described property, may repair or remove any monument or other memorial which is improper or offensive or which has become dangerous or dilapidated and may remove any tree, flower, plant or other object or embellishment that becomes unsightly or dangerous.
- d. Ivy Lawn Memorial Park shall not be liable for loss or damage caused by an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, unavoidable accidents, riot or order of any military or civil authority,
- e. The enumeration herein of certain conditions, reservations, restrictions, and rules & regulations shall not be considered as the only limitation but the grantee shall always hold all interest and rights limited by and subject to the rules & regulations and by-laws of Ivy Lawn Memorial Park now existing or which may be by it hereafter adopted either by amendment, alteration or adoption of new ones. These "Rules & Regulations" are on file for inspection in the office of Ivy Lawn Memorial Park and are specifically referred to and herein inserted as if set forth in full.

All of the above conditions, reservations, restrictions, rules & regulations are binding upon the grantee, heirs, devisees, executors, administrators and assigns, and are enforceable only by Ivy Lawn Memorial Park or its successors in interest. Nothing herein contained shall be deemed to restrict the use of any other portion of the cemetery than that herein conveyed to grantee.

In consideration of the above covenants of the transferee, and conditioned upon the strict and full performance thereof, Ivy Lawn Memorial Park consents to the foregoing transfer recorded in the record books of Ivy Lawn Memorial Park.

No liability or responsibility is assumed by Ivy Lawn Memorial Park by reason hereof or for or on account of said transfer or record. Nor does Ivy Lawn Memorial Park, in any manner, certify or warrant the title or right of use purported to be conveyed.

No transfer or assignment of any property or interest therein shall be valid until the consent of Ivy Lawn has been endorsed, all fees have been paid, and the same has been recorded in the records of Ivy Lawn.

Ivy Lawn may refuse consent to a transfer or to an assignment if there is an indebtedness due Ivy Lawn either from the buyer, the seller, or both.

Ivy Lawn Memorial Park & Funeral Home requires a submission of a *written request* prior to a transfer, a sale, or return property. It must be from the named owner/deed holder of any burial property. This signed request should reach our office, ***no less than (3) days prior*** to the transfer, sell, or return. NO EXCEPTIONS.

Upon receipt of a signed request and full payment, Ivy Lawn will conduct a search of the records to verify title and location of the subject burial property to determine ownership.

The deed holder(s), also known as the “seller(s)” must provide Ivy Lawn with proof of sale or copy of the receipt signed by the deed holder(s) & the purchaser(s) in order for a complete transfer. Ivy Lawn will require a completed transfer agreement with buyer’s information. Ivy Lawn will collect a transfer fee.

Ivy Lawn staff will have NO INVOLVEMENT in the private sale of burial property. This includes the exchange of payment, collection, or holding of money.

Upon finalization of the sale, the purchaser(s) will receive a deed holder disclosure, a copy of the “Rules and Regulations,” copy of Consumer Guide, Location and Property Disclosure, Disclaimer, Endowment Care Disclosure, and verification of property location by map. A new deed will be issued to the new owner.

25. CHANGE OF ADDRESS

It is the responsibility of the property owner to notify Ivy lawn, in writing, of any change in mailing address or contact information. Notices sent to the property owner at the last address on file with the Ivy lawn office shall be considered sufficient and proper legal notification.

26. WRITTEN AGREEMENT

The certification of ownership and these “Rules and Regulations,” and any amendments thereto, shall be the sole agreement between Ivy Lawn and the owner.

27. NO RIGHT GRANTED IN ROADWAY

No easement or right of burial is granted to any property owner in any road, drive, alley, or walk within the cemetery. Roads, drives, alleys, and walks may be used as a means of access to the cemetery or buildings as soon as Ivy Lawn devotes it to that purpose.

28. DEVELOPMENT OF PROPERTY BY OWNER

NO coping, curbing, fencing, hedging, grave mounts, borders, or enclosures of any kind shall be allowed around any grave or plot; and no walks of brick, cinders, tile, stone, marble, terracotta, sand, cement, gravel or wood shall be allowed on any grave or plot. Ivy Lawn reserves the right to remove the same if erected, planted, or placed.

NO mowing, no edging, no custom grass, no custom designing of any kind by anyone other than Ivy Lawn staff is allowed on any grave or plot anywhere in this cemetery.

29. GENERAL SUPERVISION OF THE CEMETERY

Admission: Ivy Lawn is open to the general public every day with hours posted at our gates. Anyone on the premises at other hours, without permission, is trespassing.

Conduct: Ivy Lawn reserves the right to remove persons engaged in inappropriate conduct or behavior or any threatening language used including but not limited to the following:

- a. Boisterous or unseemly conduct. This shall include conduct which is disruptive or disrespectful to the deceased or visitors;
- b. Smoking within any of our buildings;
- c. Refusal to follow instruction from Ivy Lawn staff;
- d. Handling of any property in the cemetery;
- e. Placing decorations on any of our trees, landscape or statues;
- f. Cutting flowers from our grounds;
- g. Throwing rubbish on the roads or paths, or any part of the grounds or in the buildings;
- h. Driving at speeds higher than the limits posted;
- i. Driving the wrong way down the one way streets;
- j. Peddling of flowers or any merchandise unless authorized by Ivy Lawn;
- k. Solicitation of any kind within the park is not permitted including memorial business;
- l. Possession of firearm within the park except with special permission from Ivy Lawn;

- m. Posting of any signs or notices or advertisements of any kind;
- n. Failure to keep pets in vehicles;
- o. Urinating in public;
- p. Consuming alcoholic beverages or using drugs of any kind;
- q. Loitering;
- r. No skateboarding or bike riding on cemetery roads.

Children under the age of 18 ARE NOT be permitted in the park or its buildings unless accompanied by a supervising adult.

All persons are prohibited from gathering flowers, either wild or cultivated, or harming trees, shrubs or plants, or disturbing animal life.

No person shall be allowed to cook or prepare food within the park.

No picnicking in the park.

Ivy Lawn reserves the right to prohibit photography in the park under circumstances that could reflect a lack of respect for any decedents or their families or loved ones.

30. FACILITIES

Ivy Lawn has many facilities. Some of the facilities, or grounds, and/or equipment are for rent or use by the public. Each request is evaluated on an individual basis. All requests are subject to the priority of the schedule of the cemetery and the schedule of funerals. Depending upon the facility there are forms and fees that apply. Signed agreements will be required. All requests must be made in writing to the administration office. Advance arrangements will be necessary.

INSIDE AREAS:

Chapels: Arrangements can be made to use any of our chapels for a service. You must make the arrangements through the administration office. All services are conducted consistent with the park “Rules and Regulations.”

Garden House: Is an indoor and outdoor area offering a very cozy environment suitable for a small gathering or celebration. It is not a stereotypical “memorial space.” Use is limited.

OUTSIDE AREAS:

Flagpole area, waterfall area, gazebos, and/or gravesides are available for services. Talk to the administration office for more details and costs.

31. DECORATIONS

Decorations can be a huge source of problems for the cemetery. You should understand that the following apply without exception:

NO flower vases or any kind, temporary or permanent, may be placed on any grave, crypt, or niche. Ivy Lawn will sell a customer the exact vases we require for each specific burial location. Ivy Lawn has the authority to remove all floral de-

signs, flowers, weeds, trees, shrubs, plants or herbage of any kind. If they become unsightly, judged by the management, they will be removed.

ONLY flowers that fit into a vase are allowed on any grave or niche.

Ivy Lawn is not responsible or liable for floral pieces, baskets, frames, pictures, or any decoration left in any burial space. Please remove all plastic wrapping from flower arrangements left at graves or any vase.

The placing of boxes, shells, toys, balloons, metal designs, ornaments, clothing, food, money, chairs, settees, vases, glass, wood or iron, and similar items, upon any grave is not permitted. Photographs, souvenirs, wreaths or flags or other emblems, are prohibited with the exception of items placed inside a niche. Ivy Lawn will remove and dispose of any item that violates the policies contained herein. Ivy Lawn WILL NOT store any items.

Ivy Lawn has nothing to do with any decoration placed anywhere in the cemetery and we are not responsible in any way for any item. Please remove plastic from any flower arrangements in vase.

• **Military Holidays:**

It is common for Veterans graves to be decorated with cemetery sized flags and/or wreaths placed on the graves or in the vases. The most common days are Memorial Day and Veterans Day.

It is a family responsibility to arrange for flags on a grave if that is what they want. Please contact a local veteran's group if you are unable to do this on your own.

Ivy Lawn DOES NOT place flags on any graves nor for any occasion. Ivy Lawn does allow veteran groups, families, military organizations and various volunteers to place the flags on the graves. They do this at their own expense of the flags and their time. We do not participate in the placing of the flags or removing and storing the flags. This is the responsibility of the ones that set the flags on the graves. Please do not ask Ivy Lawn to place any flag or wreath on a grave.

• **Non-Responsibility for Items:**

Ivy Lawn is not responsible for any broken or missing vase or insert. Vases are required if you want to place any floral arrangements or decorative items on a grave or a niche. You are allowed to place up to three (3) vases on a full size grave and one (1) vase on a cremation grave. Vases or vase inserts are NOT guaranteed to last for an indefinite amount of time. They are exposed to the elements and with age they will need to be replaced. Please consult with the office for current costs.

Any item placed anywhere in the cemetery is placed knowing the risk of loss, damage, stolen or misplaced. Ivy Lawn will not be responsible to monitor any items left anywhere in the cemetery. DO NOT leave valuables of any kind on a grave and expect it to be there when you return.

Ivy Lawn shall not be liable for damages caused by the elements, thieves, vandals or by other causes beyond its control. Ivy Lawn reserves the right to prevent the removal of any flowers, designs, trees, shrubs or plants of any kind.

32. MERCHANDISE

Ivy Lawn Memorial Park & Funeral Home serves customers interested in our cemetery, our funeral home services or our on-site crematory services.

As professionals in the industry we are prepared to help any consumer with the purchase of any product whether desired by the customer, is a requirement of the cemetery or crematory, or which may be required by law. Most common items purchased are grave markers, caskets, urns, vaults, and cremation jewelry.

Customers choose where they buy a product that is to be used for services in our cemetery, crematory or funeral home. Ivy Lawn Memorial Park will accommodate and cooperate with any company that a customer decides to purchase from. The customer must be aware and accept that they will need to consult with the company where the purchase was made for any assistance with that product. It is the consumer's responsibility, from the time of purchase, to seek assistance with the product they purchased.

When a purchase is made by the customer directly or with an outside agent, Ivy Lawn is limited in its involvement. Ivy Lawn believes in providing exceptional service but we are limited when a purchase is made that we are not a part of.

You agree and accept that Ivy Lawn staff cannot assist a purchaser with product issues, now or in the future, if associated with the product they purchased. The purchaser must deal directly with the company that the purchase was made from.

We can only accept and/or receive the product on behalf of the customer as long as it meets our requirements.

Ivy lawn WILL NOT be responsible for inspection of any item, we will not sign for or guarantee any product is correct, we will not accept responsibility for the condition of an item, and we will not verify that it is an item you ordered.

When a customer purchases merchandise from Ivy Lawn Memorial Park we are directly involved. This makes us accountable. We are able to directly assist every customer with the purchase of merchandise. This includes offering an explanation of costs, procedures involved, and specifics associated with each product. We will help you understand your options and choices and limitations. We can assist you with decisions, explain quality, uses, warranties, and care of the purchases you make presently and in the future.

We have professional relationships with the many companies. We are familiar with the processes they require, the products they offer, their costs, delivery requirements, and we guarantee that we will inspect and warrant the condition of the item you purchase from us upon delivery.

We will provide assistance, now or in the future, **ONLY** when a product is purchased through Ivy Lawn Memorial Park & Funeral Home.

If purchased from a company other than Ivy Lawn, customers should know that Ivy Lawn will accommodate and cooperate with any company that a customer decides to purchase from. The customer must be aware and accept that they

will need to consult with the company where the purchase was made for any assistance with that product. It is the consumer's responsibility, from the time of purchase, to seek assistance with the product they purchased.

When a purchase is made by the customer directly or with an outside agent, Ivy Lawn is limited in its involvement. Ivy Lawn believes in providing exceptional service but we are limited when a purchase is made that we are not a part of.

We can only accept and/or receive a product for a customer but it must meet our requirements. Please refer to our "Rules and Regulations" for specific requirements.

Ivy Lawn staff cannot assist a purchaser with product issues, now or in the future, if the issue is with a product they purchased from an outside company. The purchaser must deal directly with the company that the purchase was made from.

Ivy lawn WILL NOT be responsible for inspection of any item, we will not sign for or guarantee any product is correct, we will not accept responsibility for the condition of an item, and we will not verify that it is an item you ordered.

ONLY when a customer purchases merchandise from Ivy Lawn Memorial Park will we be directly involved. This makes us accountable. We are able to directly assist our customer with the purchase of merchandise including offering an explanation of costs, procedures involved, and specifics associated with each product. We will help you understand your options and choices and limitations. We can assist you with decisions, explain quality, uses, warranties, and help with follow up or care for the purchase you make now and in the future.

We have professional relationships with the many companies. We are familiar with the processes they require, the products they offer, their costs, delivery requirements, and we guarantee that we will inspect and warrant the condition of the item you purchase from Ivy Lawn upon its delivery.

Remember, we will provide assistance, now or in the future, with any product purchased through Ivy Lawn Memorial Park & Funeral Home.

Ivy Lawn sells vases, markers, urns, pedestals, benches, and burial or cremation products. Please visit the office if you are interested in products.

VASES:

You can purchase a vase in the administration office. A full grave can have up to three (3) vases on a grave. A niche or cremation grave or infant/child grave can have only one (1) vase. All vases are installed by the Ivy Lawn grounds staff. No exceptions. Temporary or homemade vases will be removed and discarded. No exceptions. Vases will require cleaning or "digging" out as the grass in the cemetery will grow over them. Be prepared to clean the vase or contact the office for prices if Ivy Lawn grounds crew can assist. See Vase Policy brochure.

33. MEMORIALIZATION INCLUDING MEMORIALS, MAUSOLEUMS AND MARKERS

- **General Rules:**

No changes shall be made, no marker placed, no replacements set, except upon request of the all of the proper parties and written permission by Ivy Lawn.

No more than three (3) markers will be allowed to be placed on a full grave. Not more than one marker will be allowed on a half grave or “cremation grave” or infant/child grave.

No more than one marker can be set on an infant grave.

Choices of all markers, of any kind, is restricted by size, material, and design must be submitted to Ivy Lawn. Ivy Lawn reserves the right to inspect every marker delivered for setting.

All fees must be paid prior to placement.

Ivy Lawn does not provide or do the cleaning and highlighting of markers. Experts are used for this service. Care and maintenance of granite markers requires expertise and craftsmanship and we outsource this work to a company that specializes in granite. They send experts to the grounds of Ivy Lawn Memorial Park & Funeral Home and complete highlighting and cleaning on site.

We are confident the granite company will make every effort to do the best quality of work, but we make no guarantees about the finished work.

Every customer has an expectation. You must accept that there are many factors that affect the results of work to granite including, but not limited to, age of the stone, color of the stone, the style, and font chosen when the marker was created. Even the weather conditions will have some affect. *The age of the marker will have a huge effect on any results.*

We feel obligated to inform you that perfection is usually not possible when working on an existing marker. You may see some differences in the lettering, or a different brightness, or you may notice lettering or colors may not match.

Commonly, paint will transfer into crevices because of the surface of the marker. It is common for families to “not like” the work because it does not match. Highlighting and or cleaning may not bring the marker back to the condition of when it was purchased.

- **Approval:**

No owners shall erect or place, or cause to be erected or placed, on any property, any memorial, until it is first approved by Ivy Lawn. Ivy Lawn reserves the right to reject any plan or design for any memorial which is, in its opinion, unsuited to the property on which it is to be placed or to the cemetery. The completed work is subject to the approval of Ivy lawn, and, if unsatisfactory, it may be removed by Ivy Lawn at the expense of the purchaser. Upon request, a memorial dealer shall furnish Ivy lawn with a blue print or sketch or proof of the proposed memorial or marker, specifying size, inscription, quality of stone and the name

of the producer finishing the stone. Ivy Lawn reserves the right to stop all work of any nature whenever:

- a. Proper preparations have not been made;
- b. Tools and machinery are insufficient or defective;
- c. Work is being executed in such a manner as to threaten life or property;
- d. The monument dealer has been guilty of misrepresentation;
- e. Any reasonable request on the part of Ivy Lawn is disregarded;
- f. Work is not being executed according to specifications;
- g. Any person employed on the work violates any rules of Ivy Lawn.

All markers, including grave and niche markers, are a huge investment both emotionally and financially. Please consult with Ivy Lawn staff and review costs, procedures, and requirements prior to making any decisions.

Prior to purchasing you should be aware that all markers, attachments, adornments, inscriptions, and name plates are subject to approval and installation by Ivy Lawn staff.

• **Polished Borders:**

Polished borders are not allowed. There must be a sanded edge for the safety and care of the marker.

• **Customizations:**

Ivy Lawn will assist customers when ordering markers, pedestals, benches and/or monuments. The manufacturers we work with provide the designs and the materials as they specialize in “memorial products.” The manufacturers insure the quality of the products they offer based on their expertise, knowledge and experience.

Ivy Lawn Memorial Park & Funeral Home relies on the expertise and recommendations from manufacturers of the memorial products.

When customizing a “standard” product you must be aware that you may be compromising the quality and future condition of the product you are ordering.

We will strive to assist you with a custom order but because you are choosing custom changes you must accept and agree that you are totally responsible for the future condition of the product. Ivy Lawn cannot guarantee the product if custom changes have been made to it.

• **Final Dates:**

Ivy Lawn can assist with final dates ONLY if the marker or plate was ordered and purchased through Ivy Lawn. Purchaser should refer to the company where the marker was purchased for final dates and/or changes.

• **Photography:**

Photography of a memorial shall not be allowed except with the permission of the owner and Ivy Lawn.

- **Corrections:**

Ivy Lawn reserves the right to correct any error that may be made by its employees, or by any person or persons in the location or placement of a memorial.

TYPES OF MEMORIALIZATION:

- **Flat Markers:**

Only flat markers set flush with the grass, of approved dimensions and materials, are allowed on the graves. Each cemetery area has a distinct marker size allowable for that area. Please consult with the administration office PRIOR to ordering any marker to ensure you are aware of the size allowed. **Casket burial plots referred to as “full graves” allow only 28 x 16 markers.** If there are 2 graves, and they are side by side, a 40 x 16 “companion” marker is allowed and will be set in between both of the graves.

ONLY solid granite, bronze or marble markers are allowed.

VA markers are supplied by the U.S government. They are specific with choices and sizes they offer. Ivy Lawn will accept only a **flat** VA marker. The customer will choose the material and inscription. If you choose **bronze**, you will be required to purchase a granite base at an additional cost. Please consult our “Marker Price List.” If you choose **granite**, you are NOT required to have a base. If you choose **marble**, you WILL have to add a base. BUT marble is *very fragile* and will not stay in good condition for long due to the nature of marble.

- **Materials:**

Memorials must be made of granite or bronze. A veteran’s grave, or the grave of the spouse of a veteran may use a government issued marble monument. The use of bronze is approved for statuary and attachments to monuments and markers made of granite.

Producers of monument materials meaning thereby quarries that also produce memorials, and manufacturers of memorials not quarries, or retail dealers, in order to secure the approval of Ivy Lawn must agree to sell only first grade granite for memorial purposes, and must be willing to guarantee that such stone is free from defect, and agree that should defects develop within fifteen years from the date of setting, the memorial will be replaced without costs to Ivy Lawn or owner. The bottom beds of all bases and markers must be cut level and true.

Letter cutters, persons or firms who engage in the business of cleaning monuments and all other persons or firms, must procure written permission from Ivy Lawn before any work is commenced. In order to secure such permission it shall be necessary for the person or firm to submit satisfactory evidence of their ability to properly perform the work for which they have been engaged or the deed holder or authorized agent must agree to provide a written release to Ivy Lawn releasing Ivy Lawn from any liability, if they choose a company to do work for them. All required documents must be signed and accepted by Ivy Lawn prior to a marker being released and/or removed from the cemetery grounds.

GRAVE MARKER PURCHASED THROUGH AN OUTSIDE COMPANY

The purchaser and deed holder of any grave must agree to accept and follow the current “Rules and Regulations” *without exception*.

All purchasers are to understand and accept that some existing memorials may be exceptions to the current “Rules and Regulations” as these memorials were made by prior arrangements. This may allow for exceptions to what is stated in the current “Rules and Regulations” of Ivy Lawn. These “exceptions” do not imply that any exceptions to the current “Rules and Regulations” can or may be made in the future.

If there is a transfer or assignment of the grave, the same limitations apply. Purchasers must understand that Ivy Lawn staff must be involved in any marker purchase to ensure conformity to our rules and standards.

• Policy:

- a. If marker is ordered from a source other than Ivy Lawn Memorial Park, the authorized agents MUST provide the name of the producing company, a contact person, the company’s complete address and a telephone number.
- b. Ivy Lawn will contact the producing company to confirm Ivy Lawn’s requirements.
- c. The setting fee and endowment care fee must be paid prior to acceptance of a marker. These fees are to be paid directly to Ivy Lawn Memorial Park. No marker will be accepted by Ivy Lawn until Ivy Lawn receives full payment of the required fees.
- d. Ivy Lawn requires producer to provide, in writing, size specification, inscription, and confirmation of the quality of the stone, prior to acceptance by Ivy Lawn.
- e. The completed work is subject to the approval of Ivy Lawn.
- f. Ivy Lawn will set an approved marker within 1 week of delivery. There are no scheduled settings.

Customer to be aware that Ivy Lawn reserves the right to charge a professional fee if the producing company requires Ivy Lawn’s assistance with designing, matching, or producing their sketch, blueprint or product. Refer to Price List for fees.

• Requirements:

- a. Deed holder must sign a Marker Authorization allowing Ivy Lawn to place the marker.
- b. Setting fee and endowment care fee MUST be paid. Refer to Ivy Lawn “Marker Price Sheet.”
- c. Prior to delivery Ivy Lawn staff must give written approval of blue print or sketch of the proposed memorial or marker, specifying size, inscription, quality of stone to the producer finishing the stone. *Ivy Lawn reserves the right to reject any plan or design of any memorial which is, in its opinion, unsuited for the property on which it is to be placed or to the cemetery.*

• **Delivery:**

- a. Delivery must be arranged by the producer with the Ivy Lawn business office.
- b. Ivy Lawn requires at least 48 hours notice prior to delivery.
- c. No delivery will be accepted after 3:00 P.M.
- d. There are NO weekend deliveries.
- e. The package must be clearly marked with decedent's name.
- f. Ivy Lawn will inspect the marker upon delivery. If damaged or unapproved, the product will not be accepted. It will be returned to sender.
- g. Ivy Lawn will notify the deed holder or authorizing agent(s) if delivery/acceptance is denied.

Ivy Lawn "General Rules"

Rights to use and descent of property within a cemetery are governed by California law. Statutory provisions may be altered by appropriate provisions in a will or other legal documents. Ivy Lawn recommends that the deed holder get legal advice to carry out their wishes regarding use and disposition of property at Ivy Lawn.

The name or inscription on each memorial must be of the person buried there with the exception of a memorial purchased in memoriam. No changes shall be made thereon except upon request of the proper parties and by permission of Ivy Lawn.

No person shall erect or place, or cause to be erected or placed, on any property, any memorial until it is first approved by Ivy Lawn. Ivy Lawn reserves the right to reject any plan or design of any memorial which is, in its opinion, unsuited for the property on which it is to be placed or to the cemetery. The completed work is subject to the approval of Ivy Lawn, and if unsatisfactory, it may be removed by Ivy Lawn at the expense of the purchaser. **Upon request, memorial dealers shall furnish Ivy Lawn with a blue print or sketch of the proposed memorial or marker, specifying size, inscription, quality of stone and the name of the producer finishing the stone.**

Ivy Lawn reserves the right to stop all work of any nature whenever:

- a. Proper preparations have not been made;
- b. Tools and machinery are insufficient or defective;
- c. Work is being executed in such a manner as to threaten life or property;
- d. The monument dealer has been guilty of misrepresentation;
- e. Any reasonable request on the part of Ivy Lawn is disregarded;
- f. Work is not being executed according to specifications;
- g. Any person employed on the work violates any rules of Ivy Lawn.

"No coping, curbing fencing, hedging, grave mounts, borders, or enclosures of any kind, shall be allowed around any grave or plot; and now walks of brick, cinders, tile, stone, marble, terracotta, sand, cement, gravel or wood shall be allowed on any grave plot. Ivy Lawn reserves the right to remove the same if so erected, planted or placed."

- **Marker Purchase Responsibility Agreement**

Markers can be high maintenance. Common marker issues are related to condition, upkeep and/or maintenance, design, highlighting, and cleaning. There may be other specific needs dependent upon your choice of marker material, photo additions, medallion additions, etc.

When purchasing a grave marker of any kind, you as the purchaser, understand and agree that the company you purchase from is the company to contact if there are any issues with the grave marker. Please refer to our specific “Rules and Regulations” that apply to choices, design, materials and much more.

This policy also applies to “final dates” and/or future inscriptions if needed. These types of services *must be made by you* as the purchaser and made *directly to the company with whom you made the purchase*. Please ask for the fees that will apply due to removal and re-setting of the marker (which is required).

Ivy Lawn Memorial Park & Funeral Home will be responsible for follow up of any kind only for a marker that was purchased through Ivy Lawn Memorial Park and Funeral Home.

Ivy Lawn Memorial Park & Funeral Home will always be responsible for the condition of the grave. If re-leveling or adjusting of the marker is necessary for the appearance of the grave we will be responsible for correcting that issue.

- **Marker Placement:**

Markers are set only by Ivy Lawn staff. Timing for the setting of the marker is determined by the service schedule. A specific time and date cannot be provided. As a matter of practice the cemetery will try and set a marker within the week of delivery however services will dictate the setting schedule.

Special arrangements can be made but there is a cost involved. Please see a counselor in the administration office for more specific details.

Markers are set in a uniform location within the area where a grave is located. No exceptions.

Markers will be exposed to the elements and will get dirty, may have water build up on them and may be disturbed by use of heavy equipment. The cemetery staff is very aware of markers and do all that can be done to avoid damage to the markers. The grounds crew will maintain edging around the marker, removing flowers and or decorations, watering the grave and maintaining trees and other landscape in the area. It is the purchaser/families responsibility to maintain and/or clean the marker.

Final dates and/or inscriptions can be arranged by Ivy Lawn staff ONLY when the marker or plate was ordered through Ivy Lawn. Any marker or plate purchased from an outside company will have to have the final date or inscription arranged by that company by the customer. It is family's responsibility to make that arrangement.

• Upright Monuments:

Upright monuments are allowed ONLY in family plot section which have been designated by the Board of Directors. Upright monuments are not permitted in any other part of the cemetery.

A “family plot” is defined as a section of graves containing graves that are purchased in multiple numbers for up to twelve (12) graves. They are purchased at one time as one purchase. The grave layout accommodates an upright monument so the design of the family plot area contains an easement that other sections of the cemetery do not have. The cost and design of the family plot areas are priced accordingly because there is extra land and maintenance involved. The approved upright monument shall be set in the center of the plot known as the “easement.” The individual graves may also have up to 3 individual flat 28 x 16 markers set in addition to the upright. There are very specific limitations and specifications involved when purchasing an upright monument. Please consult with the administration office prior to making any purchase or plan for an upright.

ALL upright monuments shall be of dimensions approved by the Board of Directors of Ivy Lawn. Size, height, width, and placement MUST BE approved by Ivy Lawn PRIOR to ordering or designing the monument.

Only ONE central or family upright memorial shall be allowed on an easement and the size, etc., will be determined by the number of graves in that “family plot.”

The following requirements exist for every upright monument. These are not the only requirements so please consult with the administration office for verification of specifications of the area where your family plot is.

Both sub-base and die must be granite.

- You must pay all additional charges to Ivy Lawn prior to final approval of delivery.
- There are additional charges for setting a concrete foundation which is required for every upright.
- There may be different endowment care fees due on an upright monument.
- All upright monuments must be of dimensions that are approved by Ivy Lawn.
- Size, design, dimensions, must be submitted to Ivy Lawn prior to ordering any monument.
- Ivy Lawn reserves the right to allow time to review and approve design and details.

• Markers for Cremation Graves:

Markers for Cremation graves, also known as half graves, accommodate 1–2 urn burials and in some sections of the cemetery they may accommodate three (3) urn burials. Every cremation garden and area will have its own specifications for a marker. Please consult with the administration office PRIOR to purchasing a marker. If you are looking for a specific type or size of marker (you may be trying to match another marker) please consult with the administration office so they can direct you to the right gardens.

- **Foundations:**

All foundations must be constructed by Ivy Lawn at the expense of the owner. All fees are payable when the work is ordered.

NO WORK ON MARKERS BY OUTSIDE COMPANIES IS ALLOWED TO BE COMPLETED ON CEMETERY PROPERTY.

- **Mausoleums:**

Strict rules apply to the mausoleums and chapels. Visiting hours are different from the outside park area so please be aware of the actual visiting hours. The buildings require constant maintenance. Access may be limited at times to allow for maintenance.

No glass containers may be left on the ground or floor areas, nor are they to be used to hold flowers. You must use the vases approved by the cemetery.

All plates must be approved by the Ivy Lawn office and all of the rules and regulations for “markers” applies to the crypt and niche plates. Sizes however will be different from markers. Only bronze markers/plates, of the same style and size of the surrounding crypts, is allowed.

Services are conducted in and around the buildings so please be mindful if this is happening while you are visiting.

No candles, incense, or burning of anything is allowed.

Decorations or adornments are not allowed on the face of the crypt or niche except flowers. Only exceptions are specific holidays designated by Ivy Lawn.

- **Other Structures:**

Cremation benches, pedestals, and cremation estate monuments are custom designed and offer burial options that offer memorialization and urn burial. They are considered “structures” and are be designed to accommodate urn burials. Placement of any structure is subject to the written approval of Ivy Lawn. Locating a space to set a structure is at the sole discretion of the cemetery administration.

- **Niches:**

No adornments are allowed on the face of the niches. Glass front niches have very specific limitations in regards to the contents. Items that can be seen through the glass must be respectful of the decedent and must not be deliberately offensive to the surrounding uses of the cemetery. Ivy Lawn shall determine the propriety if the items.

Opening and closing of a niche requires that Ivy Lawn follow specific rules that apply only to niches and especially glass front niches. Some to consider, but not limited to only this list, are the following:

- Requires written authorization by all next of kin or authorized parties;
- Requires family members be present;
- Requires at least 2 Ivy Lawn staff present;

- Requires photos be taken for our records;
- Require specific documentation be supplied to the cemetery;
- Require all fees be paid prior to opening the niche;
- Ivy Lawn will accommodate by appointment only, between 9 A.M. and 2 P.M.;
- No valuables are allowed to be placed in a niche;
- No one is allowed to stand on a ladder or stool to place items in a niche;
- Only Ivy Lawn staff will have direct access to any niche.

Only bronze markers/plates, of the same style and size of the surrounding niches, are allowed.

• **Scattering Gardens:**

The granite panels or pedestals are close to the gardens and are available for memorializing the decedent with name, year of birth, and year of death. All fonts, formats and sizes of lettering must be the same.

• **Installation:**

All markers will be set by cemetery employees with the exception of an upright monument which may be placed on the foundation by the producer.

Workmen employed in placing or erecting monuments and other structures, or bringing in materials, shall, as to Ivy Lawn, operate as independent contractors, but must do so under permission from Ivy Lawn. Persons engaged in erecting monuments, or mausoleums, are prohibited from attaching ropes to monuments, trees, and shrubs, or from scattering their material over adjoining lots, or from blocking avenues or pathways, or from leaving their material on the grounds longer than is necessary. They must cause no injury to grass, trees, shrubs, and must remove all debris and restore the area to its original condition. Damage done to lots, walks, drives, trees, shrubs, and other property, by dealers or contractors, or their agents, shall be repaired by Ivy Lawn and the cost of such repair shall be charged to the dealer or contractor, or his principal.

No material, machinery, or other things for the construction of vaults, mausoleums, monuments, or such structures themselves, may be brought into the cemetery until ready for immediate use. Material shall not be placed on lots adjoining the one on which such as structure is to be erected without prior written permission from Ivy Lawn.

Ivy Lawn reserves the right to bar any producer or retail dealer who violates the rules of Ivy Lawn from the Park for such period of time the Board of Directors deems appropriate.

MEMORIALIZATION DISCLAIMERS:

• Removal of Memorials:

No memorial shall be removed from the cemetery, except by Ivy Lawn, and the written order of the property owner and/or all authorizing agents, be presented to the administration office of the cemetery. The cemetery will provide written order upon receipt of the signed documents from the agents.

If inscriptions are needed or work needs to be done on an existing marker that is set at a grave it will have to be removed and a resetting fee will be due to reset the marker. The signed authorization to remove and release to an outside party will include Release of Liability language. Ivy Lawn is not responsible for the condition of the marker or the work that was done.

• Non-Responsibility of Damage:

Ivy Lawn will exercise reasonable care to protect any memorial or other structure on any property, it disclaims responsibility for any damage or injury from causes beyond its reasonable control, and especially from damage caused by the elements, 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.

• Private Mausoleums:

Private mausoleums shall be constructed only in areas in the park so designated. They shall be built of approved first grade material and shall meet the requirements of the California Health and Safety Code. The design of the mausoleum must have approval of the Board of Directors of Ivy Lawn. Private mausoleums shall be constructed by a licensed contractor engaged and paid for by the owner and approved in advance by Ivy Lawn.

Prior to any structure or memorial is built or installed a Maintenance Agreements must be signed by the owner and the Board of Directors. Endowment care fees will be due and must be paid prior to completion.

• Above Ground Burials are Crypts:

Crypts are designed as above ground casket burial options. They are permitted in the mausoleums, the columbarium, or private mausoleums. They may be placed on the grounds but the cemetery reserves the right to designate a grave area be used for an above ground free standing crypt.

34. ENDOWMENT CARE

Cemeteries are significant cultural and historical resources that need to be maintained with the utmost respect. If Ivy Lawn Memorial Park is a place for the living to honor their past today, there will be a better chance that you will see us as an important place for your loved one in the future!

Ivy Lawn Memorial Park appreciates the importance of a well maintained cemetery and know care is crucial. Your burial site is a kind of sanctuary, a place for

family and friends to mourn, to remember and celebrate a loved one. We work together with you to ensure that the site continues to be beautifully maintained now and into the future.

As an Endowment Care Cemetery we must plan for the time that we are not here any longer which translates into planning for the future care of the cemetery. Planning prevents letting things slide!

Ivy Lawn Memorial Park & Funeral Home has created an endowment care fund where we deposit all endowment care funds collected into a designated trust account used for the care of the cemetery in perpetuity. The funds are protected by law and are allowed to be invested very conservatively. Only income from the funds may be withdrawn to help defray the ongoing costs of cemetery upkeep and maintenance.

Our endowment care charges are more than the minimum required by the state statute. In addition, Ivy Lawn Memorial Park's Board of Directors protects the endowment care funds by strategically investing them to maximize the income generated from endowment care funds.

The law dictates "every Endowment Care Cemetery shall have cemetery standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration. The cemetery maintenance standards shall be in accordance with either subdivision (b) or subdivision (c) of the Section."

Please refer to Ivy Lawn's increased cemetery standards noted in the front pages of these "Rules and Regulations."

• **Statues in Effect:**

Endowment care is a provision for the discharge of a duty due from the persons contributing to the persons interred and to be interred in the cemetery and a provision for the benefit and protection of the public by preserving and keeping cemeteries from becoming unkempt and places of reproach and desolation in the communities in which they are situated.

Upon payment of the purchase price and the amount fixed as a proportionate contribution for endowment acre, there may be included in the deed of conveyance or by separate instrument an agreement to use the income from such endowment care fund for the care, maintenance, and embellishment in accordance with the plan adopted, for the cemetery and its appurtenances to the proportionate extent the income received by the cemetery authority from the contribution with permit.

The endowment care fund shall be kept separate and apart from all other cemetery funds. Separate records and books shall be kept of the endowment care fund. The amount to be deposited in the endowment care fund shall be separately shown on the original purchase agreement and a copy delivered to the purchaser. In the sale of cemetery, no commission shall be paid a broker or salesperson on the amount deposited by the purchaser in the fund.

A cemetery authority which has established an endowment care fund may also take and hold any property bequeathed, granted or given to it in trust to apply the principal, or proceeds, or income to either or all of the following purposes:

- a. Improvement or embellishment of all or any part of the cemetery or any lot in it;
- b. Erection, renewal, repair, or preservation of any monument, fence, building, or other structure in the cemetery;
- c. Planting or cultivation of trees, shrubs, or plants in or around any part of the cemetery;
- d. Special care or ornamenting of any part of any plot, section, or building in the cemetery;
- e. Any purpose or use not inconsistent with the purpose for which the cemetery was established or is maintained.

The sums paid in or contributed to the fund authorized by this article are hereby expressly permitted as and for a charitable and eleemosynary purpose. Such contributions are a provision for the discharge of a duty due from the persons contributing to the person or persons interred or to be interred in the cemetery and likewise a provision for the benefit and protection of the public by preserving, beautifying, and keeping cemeteries from becoming unkempt and places of reproach and desolation in the communities in which they are situated.

To help consumers understand we provide the following Frequently Asked Questions.

What does this mean?

An endowment care fund is created in addition to the price paid for an interment and is deposited into an account that is used for the care of the cemetery in perpetuity.

The funds are protected by law and are allowed to be invested very conservatively. Only income from the funds may be withdrawn to help defray the ongoing costs of cemetery upkeep and maintenance.

Why is endowment care important?

At Ivy Lawn Memorial Park we know the importance of a well maintained cemetery is crucial. We understand that grieving does not end on the day of interment. Your burial site is a kind of sanctuary, a place for family and friends to mourn, to remember and celebrate a loved one. We work together with you to ensure that the site continues to be beautifully maintained now and into the future.

Why is Ivy Lawn Memorial Park special?

Ivy Lawn Memorial Park endowment care charges are more than the minimum that the state statute requires as a minimum deposit into the endowment care fund. In addition, Ivy Lawn Memorial Park's Board of Directors protect the endowment care funds by strategically investing them to maximize the income generated from endowment care funds.

Why is endowment care important?

We must plan for the time that we are not here any longer which translates into planning for the future care of the cemetery. Planning prevents letting things slide!

Families perceive the amount of honor and respect given to their loved ones by how well the cemetery is maintained.

Ivy Lawn Memorial Park is responsible for the maintenance of ground cover, trees, landscaping, roads, and maintenance of cemetery property and buildings.

The crypts, headstones, niches, statuary and other architectural features of a grave site or lot require significant care. Ivy Lawn is responsible for the care and maintenance of every memorialization in the Park.

• **Endowment Care for Burial Property:**

There is a one-time charge for endowment care payable when you purchase burial property from Ivy Lawn. The amount is dependent on the property that you choose. See price list for current endowment care charges.

If you purchase burial property directly from a deed holder you are responsible for paying any difference between the current endowment care charges and the charges that were initially paid at time of the initial purchase.

• **Endowment Care for Markers and Memorialization:**

There is a one-time charge for endowment care payable when you purchase your marker and/or other memorialization. The amount is dependent on the memorial that you choose. See price list for current marker/memorialization endowment care charges.

• **Special Care Not Included:**

The term “endowment care” shall not be construed as meaning:

- a. The maintenance, repair, replacement of any memorials, any special or unusual work in the cemetery;
- b. The reconstruction of any marble, granite, bronze or concrete work on any section or plot, or any portion or portions thereof in the cemetery, or other buildings or structures damaged by causes beyond Ivy Lawn’s control;
- c. Notwithstanding the forgoing, to the extent income from the endowment funds permit, Ivy Lawn reserves the right to use a portion of the income from such fund for such general care, maintenance, repairs, and embellishment as it in its sole discretion shall deem to be for the best interests of the entire park to the end that the facilities are generally to be kept in the best condition possible within the limits of such income.

• **AMOUNT OF DEPOSIT:**

The amount to be collected from each purchaser at the time of purchase is based on the price of the burial property. It is deposited in the endowment care fund. The amount shall be a sum not less than the legal requirement as set forth in Section 8738 of the California Health & Safety Code or any amendment thereto.

If a private sale of property is conducted the new purchaser is responsible to pay the difference between the original amount of endowment care paid and the current endowment care fee. It will be collected by Ivy Lawn when the paperwork is processed.

- **Deposit Required for Certain Memorials:**

Before any private mausoleum or memorial of any kind is erected, the proprietor must deposit in the endowment care fund a sum of money estimated by Ivy Lawn to be sufficient to yield an income for the special care of such structure.

- **Record of Deposits:**

A record shall be kept by Ivy Lawn showing the amounts deposited with the endowment care fund.

- **Investment of Endowment Care and Special Care Funds:**

The money received for endowment care and special care shall be held in trust and invested as provided by law. Ivy Lawn reserves the right to either handle all investments itself or deposit the funds with any person, company or corporation qualified to act as trustee for such funds, provided that any such trust shall be revocable at the discretion of Ivy Lawn.

- **Funds May Be Deposited with Others of Like Character:**

It is understood and agreed between the purchaser and Ivy Lawn that endowment care funds and special care funds may be deposited with others of like character and intent, to the end that the income from such accumulated funds shall be used for care as provided in the rules and regulations.

In no case shall the deposit of endowment care funds by purchaser be construed as a contract to care for any individual property or space in any way other than as defined in these rules and regulations.

Ivy Lawn reserves the right to establish special care funds, which shall be represented by a distinct agreement with purchaser, and shall be limited to the net income received from the investment of such funds.

- **Expenditure Limited to Income:**

Endowment care and special care shall be limited absolutely to the net income received from the investment of the care funds. In calculating net income, Ivy Lawn shall make reasonable provision for principal losses and major maintenance reserves as provided by California law.

- **Direction of Expenditure:**

The net income from the endowment care fund shall be expended by Ivy Lawn in such a manner as will, in its judgment, be most advantageous to the property owners as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of such funds. Ivy Lawn reserves the full power and authority to determine for what purpose and in what manner the net income from the fund shall be expended, and it shall expend the net income in such a manner as, in its sole judgment, it may deem advisable pursuant to the "Rules and Regulations." Ivy Lawn may also expend the income from attorney's fees and others costs necessary to the preservation of the legal rights of Ivy Lawn.

• **Amendments:**

Ivy Lawn expressly reserves the right, at any time or times, to adopt new rules and regulations, or to amend, alter, or repeal any rule, regulation, article, section, paragraph or sentence in these “Rules and Regulations.”

• **Exceptions and Modifications:**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. Ivy Lawn, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations when, in its judgment, the same appear advisable. Such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rule.

35. FEES, GRATUITIES AND COMMISSIONS

Ivy Lawn is a not for profit corporation. We do not pay commissions. No person employed by Ivy Lawn may receive any fee, gratuity or commission. Exceptions can be made when beliefs or wishes of the decedent so require.

36. SECURITY

Ivy Lawn reserves the right to maintain security if in its discretion it deems necessary. Ivy Lawn is under no legal obligation to provide security to owners or anyone else.

There are cameras placed in specific locations as well as infrared motion detectors. Alarms are monitored by a contracted company of Ivy Lawn’s choice.

37. WORK DONE AT IVY LAWN

Only Ivy Lawn staff and equipment are used on cemetery grounds. This includes all used for burial services, cemetery functions, and included but not limited to the following:

- a. Opening and closing of graves;
- b. Building maintenance;
- c. Burials, disinterments, and removals;
- d. Basic care of graves and lawn;
- e. Planting, trimming, cutting or removals, tree care, shrub, lawn and herbage care;
- f. Landscape work and improvements of any kind.

• **Improvements:**

Any improvements or alterations of individual property in the cemetery shall not be done. Only under the direction of and subject to the consent, satisfaction and approval of Ivy Lawn are any exceptions made. Ivy Lawn shall have the right to remove, alter, or change such improvements or alterations at the expense of the property owner should they be made without written consent, or, when, in its judgment, they become unsightly to the eye.

• **Roadways and Re-Platting:**

Ivy Lawn reserves the right and privilege, at any time, and from time to time to:

- a. Re-survey, enlarge, diminish, re-plat, alter in any shape or size, or otherwise to change all or part, portion or subdivision of the property hereby mapped and platted. This shall include the right to lay out, establish, close, eliminate or otherwise modify or change the location of roads, walks, or drives together with easements and rights of way over and through the premises;
- b. File amended maps and plats;
- c. Erect buildings for any cemetery purpose;
- d. Install, maintain and operate pipelines, conduits or drains for sprinklers, drainage, electric or communication lines, or for any other purpose.

No such actions shall involve changing the boundaries of property which has been sold and deeded.

• **Non-Responsibility for Damages and Notice for Repair:**

Ivy Lawn shall not be responsible for any damage or injury from causes beyond its reasonable control, and especially from damage caused by the elements, 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. If a memorial, crypt or niche in the cemetery, or any portion thereof, or the contents thereof, has been damaged by causes beyond Ivy Lawn's control, Ivy Lawn may give a 10 day written notice of the necessity for repair to the owner of record. The notice shall be given by depositing the same in the U.S. mail addressed to the owner of records at their address stated on the books of Ivy Lawn. In the event the owner fails to repair damage within a reasonable amount of time Ivy Lawn may direct that the repairs be made and charge the expense to the owner of record.

RECEIPT
of
Ivy Lawn Memorial Park & Funeral Home
“Rules & Regulations”

I (we) understand and agree that I (we) am bound by the “Rules & Regulations” of Ivy Lawn Memorial Park & Funeral Home.

Signature(s) below indicate that I (we) have received a copy of the “Rules and Regulations.”

Signature

Date

Signature

Date

