

**CONGREGATION BETH-EL
San Antonio, Texas
AMENDED AND RESTATED
CEMETERY RULES**

SECTION 1. DEFINITIONS

As used in these Rules and Regulations -

"**Administrator**" means the Administrator of the Congregation.

"**Board**" means the Board of Trustees of the Congregation.

"**Beth-El Cemetery**" means the cemetery owned by the Congregation and located at Palmetto and Crockett Streets in San Antonio, Texas.

"**Beth-El Memorial Park**" means the cemetery owned by the Congregation and located on Austin Highway in San Antonio, Texas.

"**Cemetery**" means either Beth-El Cemetery or Beth-El Memorial Park, or both of them, and the buildings and grounds pertaining thereto, unless the context indicates otherwise.

"**Committee**" means the duly appointed and acting Cemetery Committee of the Congregation.

"**Committee Chair**" means the duly appointed and acting chairperson of the Cemetery Committee.

"**Congregation**" means Congregation Beth-El, San Antonio, Texas.

"**Member**" means a member of the Congregation as defined in its Bylaws.

"**Memorial**" means any monument, marker, tablet, headstone, tombstone, urn, crypt, niche plate, private mausoleum or tomb for family or individual use.

"**Monument**" means an upright headstone.

"**Owner**" means the person who holds a deed or interment rights to a burial space for which the purchase price has been paid.

"**Perpetual Care**" means landscape maintenance of the Cemetery as deemed necessary or desirable from time to time in the discretion of the Committee.

"**President**" means the President of the Congregation.

"**Remains**" means bodily remains or cremated remains.

SECTION 2. CONSTRUCTION AND INTERPRETATION

A. History. These Rules are based upon the Cemetery Rules and Regulations adopted by the Board on June 7, 1977, as subsequently amended. Before the adoption of those Rules, the Congregation issued deeds to individual burial spaces. The deeds were made subject to the Rules, and the Congregation continues to honor the deeds. Since 1977, certificates of interment have been issued instead of deeds. The Congregation retains title to all burial spaces which are subject to certificates of interment.

B. Governance. All matters regarding the Cemetery are subject to these Rules, future amendments thereto, and the orders and laws of the properly constituted authorities of the City of San Antonio, County of Bexar, and State of Texas.

C. Terminology. Terms used in these Rules have the same meanings as defined in Chapter 711 of the Texas Health and Safety Code governing cemeteries, except as otherwise specifically defined herein.

SECTION 3. RELIGIOUS OBSERVANCE

The Cemetery is a Jewish cemetery. Burial rites shall be conducted in accordance with the customs of Judaism as interpreted by the Rabbi of the

Congregation, or in accordance with religious or civil practices as deemed appropriate by said Rabbi. Only religious symbols consistent with Judaism are permitted in the Cemetery.

SECTION 4. ADMINISTRATION

A. Responsibility of Committee. The Committee reviews, advises, and consults with the Administrator as described in the Committee Charter.

B. Decision Makers. In these Rules, action or approval of the President, Committee Chair and/or Administrator is required in certain instances. If the President is not available, the Administrator shall contact the Senior Vice President, a Vice President at Large, the Secretary, or the Treasurer, in that order, for approval. If the Committee Chair is not available, the Administrator shall contact a member of the Committee for approval. If the Administrator is not available, the President and Committee Chair shall contact each other according to the order described above.

C. Determination of Fees. Upon recommendation of the Committee from time to time, the Board shall adopt a schedule of fees in connection with Cemetery matters.

D. Funds. Proceeds from the sale of burial spaces will be invested for the continued operation and maintenance of the Temple Beth-El Cemeteries following the investment policies and guidelines established by the Board of Trustees.

E. Records. All records pertaining to the operation of the Cemetery shall be permanently maintained in the office of the Congregation. The Administrator is responsible for keeping such records, and shall make them available to the Committee and to the Board upon request.

SECTION 5. RIGHTS OF OWNERSHIP AND INTERMENT

A. Eligibility. Burial spaces in the Cemetery shall be used only for interment of the remains of Jewish persons and for the remains of persons, irrespective of religious faith, who are Members. Eligibility for the Member Rate for purchase of graves and liners, whether At-Need or Pre-Need, shall be granted after two (2) years of Temple membership. This membership requirement may be waived by the Administrator at the direction of the Senior Rabbi or the President.

B. Indigents. Jewish indigents who are not Members may be accepted for interment in the Cemetery in cooperation with local agencies and other Jewish congregations. Assignment of burial space is at the discretion of the Administrator in consultation with the Senior Rabbi. Normal fees for such interments may be waived or reduced in appropriate cases, in accordance with the exception policy of these rules.

C. Pre-Need Purchases. Only Members may select and purchase burial spaces in advance of need. A Member who purchases a space in advance of need may pay the purchase price in installments as follows: at least one-third at the time of purchase, at least one-half of the remaining balance within one year thereafter, and the entire remaining balance within two years thereafter. Should the burial space be required for use prior to payment in full, the entire remaining balance must be paid before interment. In the event the purchaser fails to make any required installment in a timely manner, the agreement to purchase may be terminated by the Board. If the agreement is so terminated, all monies paid by the purchaser, less any other financial obligations owed to the Congregation by the purchaser, shall be

repaid to the purchaser, whereupon the Congregation may resell the space.

D. Interment of Non-Members. If an Owner desires to inter a decedent who is otherwise eligible for burial in the Cemetery but who is not then a Member, permission for interment may be granted by the President and the Committee Chair upon payment of the Non-Member Burial Fee and satisfaction of all other amounts owed to the Congregation by the Owner and the decedent. If the burial space was not purchased in advance, permission for interment of a Non-Member may be granted by the President and the Committee Chair upon payment of the Non-Member Burial Fee and satisfaction of all other amounts owed to the Congregation by the decedent.

E. Termination of Membership. The resignation, suspension, or withdrawal of an Owner as a Member of the Congregation shall be considered a Non-Member and shall be subject to any fees normally imposed on Non-Members. In addition, any dues or other amounts owed to the Congregation at the time of the Owner's resignation, suspension or withdrawal shall be paid in full before the interment rights are utilized. If a formal petition to sell back interment rights is forwarded, the Board may elect to repurchase the space(s).

F. Death of Owner. The death of an Owner does not alter the effect of these Rules, except that the personal representative of the estate of the Owner, or if there is no personal representative, the next of kin of the Owner, shall succeed to all rights and responsibilities of the Owner hereunder.

G. Abandonment. If a burial space has not been utilized within 50 years after its purchase, and if after reasonable efforts by the Administrator, no surviving relatives of the Owner can be located, the rights of the Owner may be terminated by the Board, and the space may be resold by the Congregation.

H. Restrictions on Transfer and Use. The transfer of interment rights in the Cemetery shall only be made on the records of the Congregation. Except by testamentary disposition or operation of law, no Owner may sell or transfer any rights to a third party without permission from the Administrator. Seller must meet the definition of an Owner and purchaser must meet eligibility requirements of these policies.

I. Record of Ownership. No person will be recognized as an Owner unless the person's name is recorded on the records of the Congregation as such. It shall be the responsibility of the Owner, or the Owner's personal representative or next of kin, to notify the Congregation of any change in the Owner's status or mailing address. Notice sent to an Owner at the last address on file in the office of the Congregation shall be considered sufficient and proper legal notification for all purposes whether or not such purposes are specified in these Rules.

SECTION 6. PROCEDURES FOR INTERMENT

A. Permission Required. No grave may be opened or interment made unless permission has been granted by the Administrator, or if the Administrator is not reasonably available, from the Committee Chair or the President. Permission shall be granted only after all charges for the burial space and all commitments due and owing to the Congregation by the Owner and the decedent have been paid, or financial arrangements acceptable to the Administrator and the President have been made. The Administrator may require the funeral director to furnish proper permits prior to interment.

B. Instructions. The Administrator may accept instructions for interment from the Owner, or if the Owner is deceased, from the personal representative or the next of kin of the Owner. When instructions have not been timely received, or are indefinite, or when for any reason the interment space cannot be opened where desired, the Administrator, or if the Administrator is not reasonably available, the Committee Chair or President may authorize the opening of an interment space in an appropriate location, so as not to delay the funeral.

C. Placement of Memorials. No memorial shall be placed on any burial space until payment in full for the space has been received and all amounts owed to the Congregation by the Owner and the decedent have been satisfied.

D. Monuments. Monuments are permitted on any burial space in Beth-El Cemetery. In Beth-El Memorial Park, monuments are permitted only in Lots 68 through 130, Section C; Lots 1 through 20, Section A; and Lots 42 through 61, Section A. Monuments must be made of granite or other stone approved by the Committee, and shall extend above the surface of the ground to a height of no more than 48 inches.

E. Mausoleums. Construction of private mausoleums is not permitted.

F. Flat markers. Flat markers of bronze or granite installed level with the ground are permitted on any burial space.

G. Liner - Grave Liners are required for all interments in Temple Beth-El cemeteries.

G. Urn Garden. An Urn Garden (for cremains only) is established in Lots 25 through 42, Section C, at Beth-El Memorial Park. The cremated remains of one person only may be interred in each 5' x 5' space.

H. Multiple Interments. Except as restricted in the Urn Garden, the cremated remains of two persons, or the bodily remains of one person and the cremated remains of another person, may be interred in the same burial space. No other multiple interments are permitted.

I. Removal of Remains. Once a casket or other receptacle containing remains is within the confines of the Cemetery, no funeral director, embalmer, assistant, employee, or agent may open the casket or container, or touch the remains without a) a court order, or b) permission from the Administrator and the Committee Chair, and the consent of the Owner, legal representative or next of kin of the deceased. No disinterment shall be made, nor shall any remains be removed from any space, unless written consent has been obtained from those persons required to give their consent under Section 711.004 of the Texas Health and Safety Code, as amended. If such written consent cannot be obtained, disinterment or removal shall not be made unless by court order. Remains may be moved from one location to another within the Cemetery if there has been an exchange or purchase of a burial space for that purpose, and all requirements of Chapter 711 of the Texas Health and Safety Code have been met.

J. No Liability. The Congregation shall not be responsible or liable in any manner whatsoever for any mistake resulting from untimely or imprecise instructions, the contents of any permit or the identity of the person sought to be interred. The Congregation may correct any errors made in making interments, disinterments or removals. The Congregation shall have no liability for damage to remains or to any vault, casket, burial case, or urn incurred when remains are moved or removed from the Cemetery. The Congregation may correct any error made in placing an improper inscription,

including an incorrect name or date on a memorial, but shall not be liable for any damages resulting therefrom. The Congregation shall not be liable in any manner for any delay in the interment of remains where a protest to the interment has been made, or where these Rules have not been followed. The Congregation reserves the right to place remains in a receiving vault, if necessary, until all rights have been determined and all disputes have been resolved. The Congregation shall be under no obligation to consider any protest or dispute unless such be in writing and filed in the office of the Congregation in a timely manner. No funeral service in progress shall be interrupted by any protest or dispute. The Congregation shall not be liable for direct or indirect 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.

SECTION 7. CEMETERY OPERATIONS AND MAINTENANCE

A. Equipment. Only the tents, artificial grass, lowering devices and other equipment approved by the Cemetery Committee shall be used in making interments, disinterments and removals.

B. Landscaping. All landscaping, grading, improvements of any kind, planting, trimming, cutting and removal of trees, shrubs and other herbage, opening and closing of burial spaces, and all interments, disinterments and removals shall be made only with the consent and at the direction of the Administrator, or if the Administrator is not reasonably available, the Committee Chair.

C. Alterations. All alterations or improvements of individual burial spaces shall be done only under the supervision of the Administrator, with the approval of the Committee Chair. If any improvements or alterations are made without such approval, such improvements and alterations may be removed, altered or changed at the direction of the Administrator and at the expense of the Owner. In any event, the Congregation has the right to remove, alter or change such improvements or alterations if such become unsightly, in the opinion of the Administrator or Committee Chair.

D. Flowers. The Administrator or Committee Chair shall have authority to order the removal of all flowers, floral designs, plants or herbage of any kind from the Cemetery as soon as they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards maintained for the Cemetery. The Congregation shall not be liable for floral pieces, baskets or frames in which or to which such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the Cemetery. The Congregation shall not be liable for lost, misplaced or broken flower vases, or for plants damaged by the elements, thieves, vandals, or by any other causes beyond its control.

E. Decorative Objects. The private placing of boxes, cans, shells, toys, designs, ornaments, signs, cards, advertisements, chairs, benches, or similar objects, other than approved memorials (e.g., American flags), shall not be permitted in the Cemetery, and if so placed, the Administrator or Committee Chair may order the removal of same without notice to anyone.

F. Maintenance of Memorials. It shall be the responsibility of the Owners and their families to clean, repair and maintain their respective memorials in attractive and safe condition. If after reasonable attempts to notify and afford the opportunity to perform such repairs or maintenance, an

Owner or family cannot be located, or fails or refuses to take appropriate action, the Committee in its discretion may authorize such work to be performed, within applicable budgetary constraints; provided however, the Congregation shall not be obligated to restore the memorial to its original condition or appearance.

G. Grading. The Committee reserves the right to determine the grade of all grave sites. No curbs or walks made of gravel, brick, stone, cement or other material will be permitted on any burial space. The Administrator shall have the authority to fill and level graves and plant grass thereon. No grave mound shall extend more than a maximum of three inches above the level of the surrounding ground, and no mound whatever shall be permitted in sections in which monuments are not permitted. All graves shall be filled, tamped and finished to the same level as the surrounding ground, except as herein otherwise specified, and all graves in Beth-El Memorial Park shall be covered completely with sod.

H. Private Plantings. No private planting of any kind is permitted in Beth-El Memorial Park. Landscape planting or flower or shrubbery planting or alteration thereof will be permitted on individual spaces at Beth-El Cemetery only upon the approval of the Administrator or Committee Chair secured in advance. The maintenance of such approved planting becomes the financial obligation of the Owner. The Congregation may charge the Owner for materials or services which are not included in the regular care of the Cemetery as defined in these Rules. Any plantings at Beth-El Cemetery which are not, in the judgment of the Administrator or Committee Chair, properly maintained, may be removed without notice to anyone. All shrubs or trees that die, become diseased, or unsightly may be removed without notice to anyone and without obligation for replacement by the Congregation. All plants brought into Beth-El Cemetery must be inspected and approved by the Administrator before being planted.

I. Contractors. No contractor shall perform work of any kind or description, including without limitation, cutting of inscriptions, setting of markers or removal of anything from the Cemetery, unless authorized by the Administrator or Committee Chair. All work by contractors or their employees must be done as rapidly as possible and all unused material must be removed as the work is completed. Workmen must not scatter material over adjoining spaces. Planks must be laid down when heavy material or equipment is to be moved across lawns. Material in large quantities may not be brought into the Cemetery grounds in advance of its immediate use, nor in an unprepared condition. Grave markers must be cut and dressed to the design and dimensions ready for installation prior to delivery to the Cemetery. Lime must be slacked and mortar prepared and brought to the Cemetery grounds in moderate supply, and all chips, pruning, and rubbish must be gathered up and carried to places of deposit designated by the Administrator. No work of any nature is to be carried on during a funeral, and all workmen will conduct themselves in a respectful manner during such services if they are anywhere within the Cemetery grounds, or its environs. Employees of the Congregation will be subject to the same rules which apply to Contractors as indicated above, and in addition, shall not execute any work or carry out any orders except those of the Committee or the Administrator. No contractor or employee of the Congregation shall lend the tools or implements of the Cemetery, nor solicit tips or gratuities. It shall be the duty of

contractors and employees to refer to the Administrator all persons desiring their services.

J. Conduct of Persons Within the Cemetery. All persons within the Cemetery grounds shall stay on the established walks and roads and shall not enter any unimproved portion of the Cemetery. No one shall enter or leave the Cemetery grounds except through an open gate. No improprieties shall be allowed. The Administrator and the Committee Chair are empowered to enforce these Rules, and to exclude from the Cemetery any person in violation thereof.

K. Hours of Operation. The Cemetery shall be open daily from 8:00 A.M. to 5:00 P.M., except on Saturdays and Jewish Holy Days. No one other than an employee of the Congregation shall be allowed on the grounds after closing. Under normal circumstances, contractors and employees will not be permitted to work in the Cemetery on Saturdays or Jewish Holy Days, nor when the Cemetery is otherwise closed.

SECTION 8. EXCEPTIONS AND AMENDMENTS

A. Exceptions. In cases where strict enforcement of these Rules would impose hardship, the Committee Chair, with the approval of the President, may authorize temporary exceptions, suspensions or modifications of any of these Rules. Such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of the Rules. If the change involves religious practice, approval of the Rabbi of the Congregation must be obtained.

B. Amendments. The Board may add to, amend, alter or repeal these Rules at any time, in accordance with the Bylaws of the Congregation.

REVISED by the Board of Trustees on March 5, 2024.