

Westminster Presbyterian Church  
533 South Walnut Street  
Springfield, Illinois  
(217) 522-4415

## **MEMORIAL GARDEN POLICIES**

### **MISSION**

The Church has traditionally been the natural repository and final resting place of the faithful. Cremation has made it possible to carry on this traditional ministry to include all members of the congregation.

The Session of Westminster Presbyterian Church of Springfield, Illinois, has created the Memorial Garden for a place of peace and repose in which to inter the “cremains” (cremated remains) of those who have expressed their desire so to do. The Memorial Garden will be maintained and improved from monies given for such interments, and/or by those monies that may be given by persons who wish to remember others through their memorial gifts, designated for this purpose. The Session will have the final decision on all matters pertaining to the Memorial Garden and its use.

### **MEMORIAL GARDEN COMMITTEE**

The Committee shall consist of five members elected by the Session and nominated by the Memorial Garden Committee. The term of each member shall be three years. Any vacancy occurring during the term of a member shall be filled by appointment from the Session. A member of the committee may be re-elected to serve another term. The Pastor/Head of Staff shall serve in an ex-officio capacity. The committee will manage the Memorial Garden. The Committee will meet at least once annually and at such other times as may be required to carry out the assigned functions. The Committee members will annually select a Chair, Vice Chair and Secretary.

#### **A. Duties of Committee Officers**

1. **Chair:** The Chair shall
  - a. Preside at all meetings
  - b. Be responsible for and manage the affairs of the Memorial Garden on a day-to-day basis between the meetings of the Committee, subject to the control and approval of the Committee as a whole, and appoint a temporary chair from the Committee as needed.

2. **Vice-Chair:** The Vice-Chair shall
    - a. Assist the Chair
    - b. Perform all the duties of the Chair in his or her absence.
  3. **Secretary:** The Secretary shall
    - a. Record the minutes of all meetings of the Committee.
    - b. Maintain the files and records of all purchases of the rights to use space in the Memorial Garden.
    - c. Record and maintain data on the identity and specific location of ashes deposited in the Memorial Garden.
- B. **Compensation:** Members of the Committee are not entitled to any compensation, direct or indirect, for matters relating to the use and operation of the Memorial Garden.
- C. **Annual Report:** The Committee Chair, with the assistance and approval of the committee as a whole, shall prepare and present an annual report to the membership of the Church at the annual meeting. The report will contain a summary of the significant activity and financial status of the Memorial Garden.
- D. **Contracts:** An officer of the Memorial Garden Committee is authorized to sign the agreement for the purchase of a right to use space in the Memorial Garden once the committee has approved the application for purchase. All other authority to approve or sign contracts remains in the Session.

## **ELIGIBILITY**

Members of Westminster and their immediate families shall be given priority for use of the Memorial Garden for the interment of cremains. The Memorial Garden will also be made available to “friends of the church” upon approval by the Session. The term “immediate family” as used herein includes spouses, parents, and children of church members. The Church specifically reserves the right to approve or disapprove all applications regardless of the status of the applicant.

## **PURCHASE AND COST**

**Applications:** Persons desiring to use space in the Memorial Garden will submit a written application to the Committee on a form provided by the Committee. The form will ask for information necessary for the Committee to act on the request. The purchaser will be given a copy of these policies at the time of application.

1. Upon approval by the Memorial Garden Committee of the purchaser's application, a written agreement will be executed in a form provided by the committee, upon receipt of full payment for the space. The space will be assigned by the Memorial Garden Committee only upon payment in full.
2. The acceptance of the agreement must be approved, completed and signed by an authorized representative of the Memorial Garden Committee.
3. The completed signed agreement form shall be executed in duplicate, the duplicate copy to be delivered to the purchaser and the original to the Westminster Presbyterian Church where it shall be retained as a permanent record.
4. The exclusive right to use a reserved niche may not be sold or otherwise transferred to any individual. It can only be surrendered back to the church with a 50% refund of the original total amount.

**Cost:** The amount of money contributed to participate in the Memorial Garden is a set price consisting of two components:

1. The actual cost of the physical interment area, including the cost of installation and modification of the area. This can be considered the purchase or the reimbursement for "personal property," and therefore is not deductible, and
2. The amount of money received over and above the actual cost is a donation to the Memorial Garden Fund, and eligible for tax benefits to the Donor.

The cost for each interment in the east wall will be \$750.00 for member families and \$1500.00 for friends of WPC. This breakdown reflects the two components:

	<u>Member Families</u>	<u>Friends of WPC</u>
Personal Property Purchase	\$450	\$ 450
Donation	<u>\$300</u>	<u>\$1,050</u>
Total	\$750	\$1,500

The cost for each interment in the south wall will be \$1,000.00 for member families and \$2,000.00 for friends of WPC. This breakdown reflects the two components:

	<u>Member Families</u>	<u>Friends of WPC</u>
Personal Property Purchase	\$ 600	\$ 600
Donation	<u>\$ 400</u>	<u>\$1,400</u>
Total	\$1,000	\$2,000

**Limitation of Liability** The Purchaser's payment for use of space in the Memorial Garden is made without any reservations, conditions or restrictions and may be used for any lawful purpose for the Memorial Garden deemed proper by the Session. It is the intention of the

Church to exercise reasonable care in the maintenance of the Memorial Garden. However, neither the Church, nor any person acting for the Church, assumes or shall have any liability or responsibility for the preservation or loss of, or damage to, any niche or the ashes of any person interred in the Memorial Garden, or for any loss or damage relating to the Memorial Garden from acts of God, vandalism, theft or other contingencies.

No real property right is created or transferred by the agreement of payment therewith. Payment relates only to the use of space as provided for herein.

The purchase price shall be paid in full before the agreement is executed, the space assigned or the space used.

Any request relating to the Memorial Garden shall be made in writing to the Memorial Garden Committee.

## **OPERATION**

A container designed to fit each niche holds the ashes of one individual. Each niche will accommodate two containers. No urn or other container is needed. Each vault will be engraved with the name of the deceased and his or her years of birth and death. Lettering will be of the same size and style for every niche. No flowers, real or artificial, shall be placed in the Memorial Garden.

The Church reserves the right to expand or rearrange the Memorial Garden should it become necessary. The area of the Memorial Garden with its benches, flowers, trees, etc., may be used by anyone, at any time, for reading, meditation, remembrance, or any other quiet activity consistent with the intent of the Memorial Garden.

All services of committal conducted in the Memorial Garden shall be under the supervision of the Westminster pastoral staff in accord with the guidelines established by Westminster's Worship, Music, and Arts Committee.

## **MEMORIAL GARDEN FUND**

**Establishment of Fund:** Funds received for the Memorial Garden shall be accounted for in a Memorial Garden sub-account of the operating fund by the Church Business Administrator.

**Administration of Fund:** Memorial Garden construction, maintenance, and other expenses shall be provided from the operating fund from the Memorial Garden sub-account. Any routine expenditures may be made by the committee without obtaining advance approval. Major expenditures over \$1,000 require the approval of the Fiscal Management Committee of Session.

**Purpose of the Fund:** It is intended that all monies received in payment for the right to use space in the Memorial Garden be deposited in the operating fund designated to the Memorial Garden sub-account. Funds are to be used for the primary purpose of the construction,

perpetual care, maintenance, expansion and administration of the Memorial Garden, including landscaping to the front lawn to complement that of the Garden.

## **REMOVAL OF REMAINS**

Policy No container holding ashes shall be removed from a space except by and with the prior written consent of the Memorial Garden Committee. No right whatsoever shall exist in the heirs-at-law of the purchaser or designee or any other person to have such a container removed.

Temporary Removal In the event it is necessary to remove temporarily a container for any purpose, the Memorial Garden Committee of the Church shall have the sole exclusive custody, control and responsibility for the safe keeping of the removed container until the same is replaced in an appropriate space. Such temporary removal shall be duly recorded in the records by the Secretary.

Relocation If, in the judgment of the Session it shall be deemed necessary at any time to change the location of the Memorial Garden or to discontinue the use of any part thereof, the Committee shall have the containers removed and placed in another suitable space as directed by Session.

## **AMENDMENTS**

The Session has the right to change, modify, amend or repeal these Policies as they may deem necessary. Changes in the Policies may be proposed by the Memorial Garden Committee upon a majority vote of the Committee members. In the event these Policies are changed, modified, altered, added to or deleted from, a copy of the newly adopted Policies shall be forwarded by mail to the last known address of each purchaser.

Approved by Session  
August 1, 1999 - Revision approval 4/19/2000

last opened: 08/28/18  
Fee changes updated per Kathy Germeraad 11/05/2009

Additional wall fees added per Committee 7/2018