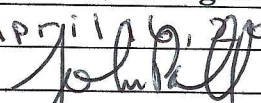


# HAPPY HOMESTEAD CEMETERY DISTRICT

## POLICIES & STANDARD PRACTICES

TITLE: <b>Sales of Burial Rights &amp; Services</b>	NUMBER:
ADOPTED: April 16, 2014	AMENDED:
SIGNATURE: 	AMENDMENT NO.

### 1.0 GENERAL

The Happy Homestead Cemetery District provides interment and associated services and merchandise to the residents and taxpayers of the District, as well as the family members of those residents and taxpayers. The Happy Homestead Cemetery District receives a small increment of property tax collected by El Dorado County, but is required to collect fees from users reasonably necessary to cover the cost of providing such services. The prices of all such services provided by the District shall be adjusted from time to time by a resolution enacted by the Board of Trustees of the Happy Homestead Cemetery District.

occasionally find it necessary to pay for interment rights and services purchased from the District. In order to meet the needs of those constituents that Board of Trustees of the Happy Homestead Cemetery District hereby adopts the following policy pursuant to which payment for interment rights and services may be paid over a period of time.

### 2.0 DEFINITIONS

2.1 "District" shall mean the Happy Homestead Cemetery District.

2.2 "Cemetery" shall mean the Happy Homestead Cemetery.

2.3 "Manager" shall mean the District Manager of the Happy Homestead Cemetery District.

2.4 "Qualified" or "eligible" shall mean entitlement to purchase interment rights, or to be interred, in a public district cemetery pursuant to Sections 9060 and 9061 of the California Health & Safety Code.

2.5 "Interment rights" or "burial rights" shall mean the right to inter human remains in any form in the ground, niche, mausoleum or ossuary in the Happy Homestead Cemetery.

2.6 "Payment Plan" shall mean the agreement pursuant to which the District agrees to accept payments from purchasers over a period of time.

### 3.0 GENERAL

3.1 A person qualified to purchase interment rights in the Happy Homestead Cemetery, for his or her own use, or for that of another person qualified to be interred in the Cemetery.

3.2 All such purchases shall be set forth on the "Agreement to Purchase Burial Rights, Merchandise and Services" form, executed by the person(s) purchasing the rights and an authorized representative of the District. A copy of such Agreement shall be provided to the purchaser.

3.3 All costs and fees must be paid in full prior to any interment being made in the Happy Homestead Cemetery.

3.4 In order to meet the needs of some residents and taxpayers of the District, payment of fees and charges may be made over a period of twelve, twenty-four or thirty-six months.

a. The District will charge a fee for the initial preparation of the documentation setting up the time payment program, and an additional fee of \$50.00 for a 12-month agreement, \$100.00 for a 24-month agreement, and \$150.00 for a 36-month agreement.

b. In the event the buyer cancels the agreement prior to its conclusion, or the District revokes the agreement due to the purchaser's non-payment, the District will refund all monies, except for the fees set forth in Section 3.3 above, less a ten percent (10%) administrative fee.

3.6 ***IN NO EVENT WILL ANY PORTION OF A CONTRIBUTION MADE TO THE ENDOWMENT CARE FUND BE RETURNED OR REFUNDED.***

### 4.0 TRANSFER OF BURIAL RIGHTS

4.1 Because only those persons who are qualified under the laws of California to purchase burial rights or be interred in a District cemetery, no such burial or interment rights may be transferred to any person other than an immediate family member of the purchaser.

4.2 No such transfer will be recognized unless and until the purchase requests the District to transfer the rights to a member of his or her immediate family in a notarized writing addressed to the Happy Homestead Cemetery District, and no such purported transfer will be recognized unless and until the transfer is reflected on the records of the District.

4.3 Any person wishing to transfer his or her burial rights may do so by transferring them back to the District. The District will reimburse the owner only the amount which was received by the District when such rights were originally purchased. All such amounts received by the District at the time of purchase shall be refunded upon the transfer back to the District, less an administrative fee of ten percent (10%). As set forth above, ***IN NO EVENT WILL ANY PORTION OF A CONTRIBUTION MADE TO THE ENDOWMENT CARE FUND BE RETURNED OR REFUNDED.***

## 5.0 QUALIFICATION

5.1 Persons purchasing interment rights in the Cemetery must qualify for interment at the time of purchase, or purchase for a person entitled to interment, in which case title to the interment right shall be held in the name of the person so entitled.

5.2 Qualification for interment, and thus interment, is determined pursuant to the following sections of California Health & Safety Code:

### Section 9060.

(a) A district shall limit interment in a cemetery owned by the district to interment in the ground, in columbariums, and in mausoleums, as provided in this part.

(b) A district shall limit interments to:

- (1) Persons who are residents of the district.
- (2) Persons who are former residents of the district and who acquired interment rights while they were residents of the district.
- (3) Persons who pay property taxes on property located in the district.
- (4) Persons who formerly paid property taxes on property located in the district and who acquired interment rights while they paid those property taxes.
- (5) Eligible nonresidents of the district, as provided in this chapter.
- (6) Persons who are family members of any person described in this subdivision.



**Section 9061.**

(a) A district may inter a person who is not a resident of the district or a person who does not pay property taxes on property located in the district in a cemetery owned by the district if all of the following apply:

- (1) The district has an endowment care fund that requires at least the minimum payment set pursuant to Section 9065.
- (2) The district requires the payment of a nonresident fee set pursuant to Section 9068. A board of trustees may adopt a written policy that permits waiving the payment of the nonresident fee for a nonresident who had purchased an interment right while a resident or a taxpayer.
- (3) The person meets the conditions listed in one or more of subdivisions (b) through (e).

(b) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if the person is a family member of a person who is already interred in a cemetery owned by the district or is a family member of a person who has acquired interment rights in a cemetery owned by a district.

(c) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

- (1) The person was a resident of the district or paid property taxes on property located in the district for continuous period of at least five years, a portion of which time period shall have occurred within the 10 years immediately before the person's death.
- (2) The district receives a written request for the interment of the person from a person who is a resident of the district or who pays property taxes on property located within the district, and the person submitting the written request is not a trustee, officer, or employee of the district and is not a funeral director or an employee of a funeral director.
- (3) The board of trustees determines that the cemetery has adequate space for the foreseeable future.

(d) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

- (1) The person was a resident of this state at the time of death.
- (2) There is no private cemetery within a straight-line radius of 15 miles of the person's residence.
- (3) There is no private cemetery nearer to the person's residence than the nearest cemetery owned by the district.
- (4) The distances shall be measured in a straight line from the person's residence to the nearest private cemetery and the nearest cemetery owned by the district.

(e) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

- (1) The person died while either:
  - (A) Serving in the Armed Forces or the active militia, or
  - (B) In the line of duty as a peace officer or firefighter.
- (2) The board of trustees determines that the cemetery has adequate space for the foreseeable future.

5.3 Section 9002 of the California Health & Safety Code defines "family member" as: "Family member" means any spouse, by marriage or otherwise, domestic partner, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of these persons.