

THE MOORINGS PRESBYTERIAN CHURCH - MEMORIAL GARDEN

791 Harbour Drive, Naples, FL 34103 (239) 261-1487 Fax (239) 261-8740

Application for Reservation of Space

The undersigned applies for use of one permanent location, or burial area, in the Memorial Garden for placing cremains, subject to the approval of the Memorial Garden Committee and the Session of The Moorings Presbyterian Church.

As a member, I wish to use the space for a permanent location (___), or burying (___), for cremains, and submit herewith the sum of \$350, with the understanding that if my application is not accepted this money will be returned to me.

(As a "friend of the church," I understand that my cremains may be buried, and submit herewith the sum of \$500, with the understanding that, if my application is not accepted, this money will be refunded to me.)

Name _____
(Last) (First) (Middle Initial)

Permanent Address _____

Seasonal Address _____

Telephone _____ Church Membership: Moorings Other _____

Designee _____
(PLEASE PRINT NAME OF PERSON TO BE INTERRED EXACTLY AS YOU WISH IT TO APPEAR ON THE PLAQUE.)

Date of birth _____ Place of Birth _____

Relationship to Applicant: Self (___) Spouse (___) Immediate Family member _____

The undersigned acknowledges receipt of a copy of the Rules and Regulations governing the Memorial Garden, reading them, and understanding the terms and conditions set forth therein, and agrees to be bound by them as now written and subject to future changes.

Date _____ Signed _____

Note: Memorial Garden Committee will assign spaces, close to preferred location, based on availability and priority.

FOR OFFICE USE ONLY

ACCEPTANCE RECEIPT TO MOORINGS PRESBYTERIAN CHURCH MEMORIAL GARDEN

On this _____ day of _____, year _____, the church acknowledges receipt of the sum of \$_____ and gives permission to use a permanent location (___), or buried (___), in the Memorial Garden of the church, the cremains of _____, subject to and upon the terms and conditions set forth in the Rules and Regulations governing the Memorial garden which are incorporated into this document.

By: _____ (Authorized Memorial Garden Committee Member)

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RULES AND REGULATIONS

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 The Moorings Presbyterian Church of Naples, Florida, 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 three to seven members. At least one member shall be a member of the Session. Any vacancy occurring during the term of a member shall be filled by appointment from the Session. 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 as such other times as may be required to carry out functions of the Committee.

A: Duties of Committee Members

1. **Chairman:** The Chairman 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 chairman from the Committee as needed.

2. **Vice-Chairman:** The Vice-Chairman shall:

- a. Assist the Chairman
- b. Perform all the duties of the Chairman in his/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 cremains deposited in the Memorial Garden
- d. This data will be part of the official records of the church and will be maintained on a continuing basis

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 Chairman, 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:** A Memorial Garden committee member is authorized to sign the Agreement for the use of space in the Memorial Garden once the committee has approved the application. All other authority to approve or sign contracts remains in the Session.

ELIGIBILITY:

The Memorial Garden of the Moorings Presbyterian Church of Naples, Florida, will be made available for the permanent interment of cremains to members, and past and current ministers and their immediate family. The term “immediate family” as used herein includes church members, their spouse, parents and children.

Cremains of “friends of the church,” upon approval by Session, may be buried in the ground in an area designated in the Memorial Garden. The Session reserves the right to approve all applications regardless of the status of the applicant.

RESERVATION 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 applicant will be given a copy of these Rules and Regulations at the time of application.

1. Upon approval by the Memorial Garden Committee of the application, a written agreement will be executed in a form provided by the committee, upon receipt of full payment, and a space will be assigned.
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, with the duplicate copy to be delivered to the applicant and the original to the Moorings Presbyterian Church where it shall be retained as a permanent record.
4. The exclusive right to use a reserved permanent location, or burial area, may not be sold or otherwise transferred to any individual. It may be returned to the church with a 100% refund.
5. There are **two** forms of interment as follows:

Permanent: The cremains will be placed in a permanent container under the Memorial Garden Patio (see lay-out of Garden).

Burying: The cremains will be buried in the garden (see Garden lay-out).

Cost for permanent interment or burial for members and their family will be \$350 per person. The cost for burial for “friends of the church” will be \$500.

LIMITATION OF LIABILITY:

The 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 permanent location, or the burial of ashes 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. Any request relating to the Memorial Garden shall be made in writing to the Memorial Garden Committee.

OPERATION:

The interment of cremains will be completed before any service of committal, unless otherwise specified by the family. The actual location of these cremains in the permanent containers will be available in the plat maintained in the church office.

Burial of cremains will be mixed into the earth in the area of the Memorial Garden designated for that purpose. The permanent containers will be opened for deposit of cremains by a designated person under supervision of the Pastor or member of the Memorial Garden committee.

The church reserves the right to expand or rearrange the Memorial Garden should it become necessary. The area of the Memorial Garden with 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.

No potted memorial flowers, real or artificial, shall be allowed in the Memorial Garden.

RECORD OF INTERMENT:

Complete records of all interments and reservations are kept in the church office. Also, a list of interments will be on a plaque in the Garden and include the name, year of birth and year of death.

MEMORIAL GARDEN FUND:

The 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 General Church Funds, but designated to the Memorial Garden sub-account. Funds are to be used for the primary purpose of perpetual care, maintenance, expansion and administration of the Memorial Garden, including landscaping to complement that of the Garden. Any routine expenditure may be made by the committee without obtaining advance approval of the Session. Major expenditures over \$500 require the approval of Session.

The original cost of the Memorial Garden will be borne by the church from the Undesignated Memorial Fund, and any funds received which cause the Memorial Garden Fund to exceed \$12,000 will be returned to the Undesignated Memorial Fund of the church.

AMENDMENTS:

The Session has the right to change, modify, amend or repeal these Rules and Regulations as they deem necessary by not less than a majority vote of the entire Session. Changes in the Rules and Regulations may be proposed by the Memorial Garden Committee upon a majority vote of the committee members. An amendment must be proposed at a committee meeting at least one month prior to the date at which it is to be voted upon by the members of the committee.