

# **LOWER BRANDYWINE PRESBYTERIAN CHURCH CEMETERY**

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## **Cemetery Regulations and General Information**

“SALE” of plot/s and references to “Plot Owners” and “Plot Holders” convey only the right of interment and not the ownership of land. Thus, direct resale or transfer by a plot holder, without involving Cemetery management, is expressly prohibited.

No interment may be made until proof of ownership of the plot has been certified. The location of individual graves in a plot must be established in consultation with the cemetery manager before excavating begins. The Cemetery reserves the right to require prepayment for services provided to open and close graves.

Interments other than those from cremations must be made in a concrete vault or its equivalent in strength and durability. Cremated remains must be made in an urn or other appropriate container of equivalent strength and durability.

Double depth interments to accommodate two burials in the same grave space may be made provided that the first burial is made at double depth. Double depth burials can only be made in plots of two graves or larger. Double depth burials are not permitted in single grave plots.

The construction of all monuments, markers, foundations, and structures both above and below ground, must first be approved by the cemetery manager. The construction and maintenance of all monuments and foundations are to be at the plot holder's expense in accordance with cemetery regulations. Mausoleums are not permitted. Not all areas of the cemetery have the same size requirements for markers, you must check with the cemetery office to check for the requirements for the area in which your plot is located. The foundations for above ground monuments must be flush with ground level. Foundations for flush ground markers must be left below ground level so the marker sits flush with ground level. All foundations must be 24 inches in depth and match the base size of the monument or marker.

Above ground monuments in multi-grave plots are limited to one upright monument for the plot and one additional flat marker (flush with ground level) for each grave in the plot. In single-grave plots all markers must be flush with ground level. All corner markers must be flush with ground level and eight inches minimum depth.

Planting of perennials at the ends of monuments or anywhere on plots by plot holders or their families is no longer permitted. A mulched flower bed for annuals only extending no more than sixteen inches in front of the monument is permitted. Existing perennials and flowerbeds are not covered under Perpetual Care and must be maintained by the plot holder or their families to cemetery specifications. You may request a copy of all the specifications by contacting the cemetery office.

The cooperation of plot holders and their families is requested in the prompt removal of potted plants, cut flowers, and holiday decorations when they have become unsightly. The use of artificial flowers is discouraged. Cut flowers and/or otherwise temporary decorations will be removed by the maintenance crew generally after two weeks. To avoid losing wanted items, or to assure no misunderstanding of this policy, decorations should be removed by plot holders and their families within the uniform two week period.

The schedule of plot prices and burial fees rendered by the cemetery are revised from time to time. A portion of the sale price of all plots is placed in a trust, known to all from here within as Perpetual Care, for the purpose of care and upkeep of the cemetery. The care of monuments and plantings on individual plots is the responsibility of the plot holder or their families.

The general intent of these regulations is to maintain the cemetery in the best possible condition. The Cemetery, therefore, reserves the right not only to prohibit any planting or construction, but also to remove or correct any condition, which is at variance with this intent.

## Lower Brandywine Cemetery Planting Standards

Plantings: Tree planting, by lot holders, is not permitted on any cemetery plot. You may donate a tree to plant around the perimeter of the cemetery if you wish. For a nominal fee, a **“Dedication Tree” or other approved shrubbery with identifying plaque may be requested for consideration by the Cemetery Committee.** Such requests should be made through the cemetery manager and should include preferred location, specimen, and message for inclusion on the dedication plaque.

Perennial planting, by lot holders, is not permitted on any cemetery plot. Existing perennials, on individual plots, must not exceed forty inches in height, and may not encroach on adjacent plots. The cemetery manager has the discretion to schedule the pruning and/or removal of offending plantings. Reasonable attempts will be made by the cemetery manager to contact plot owners to alert them about plantings that may require special maintenance from time to time. In the event an exceptionally large planting is required to be removed, the cemetery manager shall determine if associated costs should be passed on to the plot owner.

Annuals may be planted in mulched beds in front of monuments. The beds may not extend more than sixteen inches (16”) from a marker, nor may they exceed the approved width of the marker.

**The plot holder and/or their families must maintain all plantings on individual plots.**

### Decorating Regulations

No artificial flowers are permitted between March 15<sup>th</sup> and November 1<sup>st</sup>.

**Glass containers of any kind are not permitted at any time without exception.**

### Holidays

- Wreaths, baskets, crosses, flags, etc. may be placed 3 days prior to a holiday and will be removed approximately 10 days after the holiday.
- Artificial flowers, wreaths, mounds, baskets, and other decorations are permitted between November 1<sup>st</sup> and March 15<sup>th</sup>.
- Cut flowers and potted live plants are permitted any time.
- All decorations will be removed when they become unsightly.

The general intent of these and any other regulations is to maintain the cemetery in the best possible condition. The Cemetery reserves the right not only to prohibit the placement of any item, but also the right to remove items that are damaged, unsightly, or in conflict with Cemetery regulations.

**THE CEMETERY IS NOT RESPONSIBLE FOR ANY ITEMS PLACED ON CEMETERY PROPERTY**

If you have any questions concerning these or any other cemetery policies, please contact the cemetery manager, Jason P. Casper at (302) 658-0454.

#### Cemetery Holiday List

*MLK Day  
Presidents' Day  
Good Friday  
Easter Monday  
Memorial Day  
Fourth of July Monday  
Labor Day  
Columbus Day  
Thanksgiving Holidays (Thursday and Friday)  
Christmas Holidays (Christmas Eve and Christmas Day)*

***The Cemetery does not offer burials on Sunday.***

# **LOWER BRANDYWINE PRESBYTERIAN CHURCH CEMETERY**

**The Cemetery is not responsible for any items placed on Cemetery property.**

I/We have read and understand the forgoing regulations. I/We agree to abide by them.

Signature(s) of plot holder(s): \_\_\_\_\_

\_\_\_\_\_

Plot number: \_\_\_\_\_

Date Purchased: \_\_\_\_\_

For more information, call (302) 658-0454

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## **THE FOLLOWING RULES ARE FOR THE GUIDANCE OF PERSONS HOLDING PLOTS IN THE "THE CEDARS" AREA**

Plots in the "The Cedars" area are for the interment of cremated remains only.

All grave markers installed in "The Cedars" area are to be uniform in size (1'x2'x4" thick with sawed edges), and approved by the cemetery manager before installation. Markers are to be flat and set flush with ground level on a concrete foundation. Markers must be aligned with the top edge of the plot; no marker may be installed prior to the first burial in the plot. Granite U.S. Veteran's markers (1'x2') are acceptable. No plantings or built in vases permitted

**No below ground urn vaults are permitted.**

I/We have read and understand the forgoing regulations. I/We agree to abide by them.

Signature(s) of Plot holder(s): \_\_\_\_\_

\_\_\_\_\_

Plot number: \_\_\_\_\_ Date Purchased: \_\_\_\_\_

# Lower Brandywine Presbyterian Church

## Cemetery Buy-Back Policy

At times, cemetery lot holders may wish to sell their burial rights back to the church. Generally, it is in the cemetery's interest to facilitate the repurchasing of burial rights to maintain control and integrity of the process. The cemetery can resell the burial rights. By contract, lot holders are not permitted to sell their burial rights to third parties.

In the past, the cemetery has repurchased burial rights for lots at 30% of their original sale price. The rationale was that the cemetery put 70% of lot sales into **The Perpetual Care Trust Fund**, and thus the funds were not available any longer for lot buy-back. This policy also tended to discourage owners from selling back their burial rights.

There are potential liabilities associated with lot buy-back. If the cemetery buys-back an unencumbered lot from an original owner, there is very little risk. If someone other than the original owner wishes to sell back a plot, the potential risks increase dramatically. If the lots are encumbered with burials and or monuments, the potential risks also increase dramatically. Therefore, **the cemetery solely reserves the right to engage the services of an attorney to process a lien search, fees to be deducted from the buy-back price, in any case where such complicated encumbrance is suspected.**

### Buy-Back policy:

The cemetery manager is authorized to buy back burial rights from ORIGINAL lot holders. The terms and conditions of the buy-back are determined by the cemetery manager according to the following general guidelines.

1. Full Buy-Back (original lot holder wishes to sell back the burial rights for the entire plot, no burials have been made in the plot, and no monuments or plantings are on the plot)

The cemetery manager may repurchase burial rights for lots for up to 50% of the current selling price, but not more than the original sales price.

2. Partial Buy-Back — unoccupied plot (original lot holder wishes to sell back the burial rights for a portion of a plot, no burials have been made in the plot, and no monuments or plantings are on the plot)

The cemetery manager may repurchase burial rights for lots for 66% of the current selling price, but not to exceed the original sales price. The buy-back amount shall be prorated based on the percentage of the lot being sold back. Monument construction and/or re-location must be considered and discussed, with arrangements, agreements, and related fees settled, prior to such sale/buy-back can be finalized.

3. Partial Buy-Back-occupied plot (original lot holder wishes to sell back the burial rights for a portion of a plot, some burials have been made in the plot)

The cemetery manager shall make an offer, to the lot holder, based on the cemetery manager's assessment. Monument construction and/or re-location must be considered and discussed, with arrangements, agreements, and related fees settled, prior to such sale/buy-back can be finalized.

In all cases, the cemetery manager shall make a written assessment of the situation in a manner that can be presented to the Cemetery Committee for involvement with any approval of sale. The cemetery manager's assessment shall include sales potential of the lot(s) being returned, the general condition of the existing arrangements, and expenses, if any, of relocating monuments, removing plantings, and other modifications, permanent or temporary.

In all cases where, in the Cemetery Manager's assessment, there is any question about ownership of the lot, the Cemetery Manager shall bring the matter to the Cemetery Committee for resolution. It is the person, who wishes to sell the burial rights, responsibility to provide documentation to substantiate his or her ownership and or authority to sell the rights. Whether the documentation is sufficient is solely up to the discretion of the Cemetery Committee. The following are offered as guidelines for sufficiency.

1. Original bill of sale signed and notarized by the original lot holder.
2. Documents confirming the transfer of the burial rights to a third party; Will, Letter of Transfer, other.

**It is general cemetery policy to not buy back burial rights from anyone other than the original owner.** The Cemetery Committee may make exceptions to this rule, if and only, in cases where the potential liability to the cemetery, cemetery personnel, and Cemetery Committee members is understood to be sufficiently limited.

## Monument and Marker Size Limits

**Lots that are Three Graves wide and Larger:** Maximum base size, 78” long by 16” wide by 10” high. Maximum die size is 60” wide by 10” thick. Maximum height above ground 42”.

**Lots that are Two Graves wide:** Maximum base size, 60” long by 14” wide by 8” high. Maximum die size is 46” wide by 8” thick. Maximum height above ground 36”. Most popular base size, 44” long by 14” wide by 8” high. Most popular die size is 36” wide by 8” thick.

**Single Grave Lots:** 12” high x 24” wide Flush markers only.

**Cremation Lots:** 12” high x 24” wide Flush markers only.

**Foundations:** For monuments, foundations must be the same length and width as the monument base. For flush markers, foundations must be the same size as the marker. **All foundations must be 24” deep poured concrete and in compliance with guidelines and code recommendations regarding local frost line considerations .**

**Section H: Lots 129 – 145:** 12” high x 24” wide Flush markers only.

**Section O:** Due to the layout of the other plots in Section O, the following rules and regulations will apply for plantings, monuments, and markers.

- Shrubs, trees, or bushes of any kind are not permitted on these plots.
- Bench style markers are not permitted on these plots.
- Monument sizes and placements on plots are as follows: The monument will sit back to back to the monument on the adjoining lot. This will ensure monuments will be in line on the left and right sides in this area of the cemetery.

### Maximum sizes and cuts for any monument are as follows:

- Base: Maximum Width – 12 inches with a flat saw cut on backside of base  
Maximum Length – 60 inches  
Maximum Height – 8 inches
- Die: Width **must be** – 8 inches (front to back)  
Maximum Length – 48 inches (left to right)  
Maximum Height – 30 inches (bottom to top)

Overall height of monument may not exceed 38 inches from the ground to the top of monument.

### Plot Holders who want a flush marker in lieu of an upright monument:

- Maximum Length – 60 inches (right to left)
- Maximum Width – 12 inches (front to back) with a sawed cut on backside.
- Thickness **must be** – 6 inches
- Two grave plots in the same area, which are laid out head to head, may have a flush ground marker, centered over both graves.
- Maximum size of flush ground markers can be no bigger than 36 inches long (left to right); 24 inches wide (top to bottom).
- All plots may have a flush marker at the foot of each grave space, after a burial is made in that grave space.
- Maximum size of marker can be no bigger than 24 inches long (left to right); 12 inches wide (top to bottom).
- No corner markers are allowed on these plots.
- Just as with other markers in the cemetery, flush ground markers must have a solid foundation. Foundations for surface monuments must be flush with ground level. Foundations for flush ground markers should be left down to accommodate the thickness of the marker, so the marker sits flush with ground level. Foundations must be the same size as monuments or markers and extend down below the frost line, to at least 24 inches deep.