

**OPERATING RULES GOVERNING THE USE OF  
THE DWELLING PLACE  
A COLUMBARIUM OWNED AND OPERATED BY  
BANNER ELK PRESBYTERIAN CHURCH  
BANNER ELK, NORTH CAROLINA**

( As Revised April 26, 2007 )

THE DWELLING PLACE COLUMBARIUM OF THE BANNER ELK PRESBYTERIAN CHURCH IN BANNER ELK, NORTH CAROLINA, PROVIDES AN AREA FOR INTERMENT AND PLACEMENT OF CREMAINS OF THE DECEASED. A MEMORIAL PLAQUE IS ALSO AVAILABLE AND MAY BE INSCRIBED WITH THE NAMES OF PERSONS BURIED ELSEWHERE.

THESE OPERATING RULES ARE DESIGNED TO ASSURE THAT THE PROCEDURES TO BE FOLLOWED IN INTERMENT AND SCATTERING ARE CARRIED OUT IN A REVERENT AND ORDERLY MANNER AND TO DESCRIBE AND EXPLAIN THE SERVICES PROVIDED BY THE DWELLING PLACE IN CONNECTION WITH THOSE ACTIVITIES.

**( 1 ) SUPERVISION OF THE DWELLING PLACE COLUMBARIUM**

THE DWELLING PLACE COLUMBARIUM SHALL BE SUPERVISED BY THE COLUMBARIUM COMMITTEE UNDER THE SUPERVISION OF THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH.

**( 2 ) RESERVATION OF NICHEs AND PURCHASE OF RIGHT TO SCATTER AND TO PLACE A SCROLL ON THE MEMORIAL PLAQUE**

SPECIFIC NICHEs FOR THE INTERMENT OF CREMAINS MAY BE RESERVED ON PAYMENT OF THE FEE SET BY THE COLUMBARIUM COMMITTEE, AND EXECUTION OF THE REQUIRED DOCUMENTS, AND APPROVAL BY THE COLUMBARIUM COMMITTEE. THE RESERVATION OF A NICHE AND PAYMENT OF THE RESERVATION FEE CONFER ONLY THE RIGHT OF USE OF THE NICHE IN ACCORDANCE WITH THE OPERATING RULES IN EFFECT FROM TIME TO TIME AND NO TITLE OR RIGHT OF OWNERSHIP TO THE NICHE OR ANY APPURTENANT REAL PROPERTY BECOMES VESTED THEREBY.

THE RIGHT TO SCATTER OR PLACE A SCROLL ON THE MEMORIAL PLAQUE MAY LIKEWISE, BE PURCHASED UPON APPROVAL BY THE COLUMBARIUM COMMITTEE.

**( 3 ) ASSIGNMENT OF RIGHTS TO INTERMENT**

THE RIGHTS MAY NOT BE SOLD OR ASSIGNED WITHOUT THE PRIOR WRITTEN CONSENT FROM THE BANNER ELK PRESBYTERIAN CHURCH AND THE COLUMBARIUM COMMITTEE.

IF THE OWNERS OF THE RIGHTS DECIDE THEY WILL NOT USE THE NICHE THEY HAVE ONLY TWO CHOICES.

- ( 1 ) GIFT IT BACK TO THE CHURCH OR
- ( 2 ) FIND SOMEONE TO PURCHASE THEIR RIGHTS SUBJECT TO APPROVAL AS STATED ABOVE.

A RE-REGISTRATION FEE OF \$25.00 WILL BE CHARGED AND A NEW CERTIFICATE WILL BE ISSUED FOR ANY CHANGE, OR NICHE TRANSFER, PROVIDING ALL OTHER REQUIREMENTS OF THESE RULES HAVE BEEN MET.

FORMS FOR APPROVAL OF TRANSFER ARE  
AVAILABLE IN THE CHURCH OFFICE

**(4) FEE FOR INTERMENT, SCATTERING, OR PLACEMENT OF SCROLL ON MEMORIAL PLAQUE.**

A CERTIFICATE OF PURCHASE SHALL BE ISSUED AFTER THE PURCHASE PRICE HAS BEEN PAID IN FULL AND THE RULES AND REGULATIONS SIGNED AND AGREED TO.

- (a) INTERMENT :  
THE RESERVATION FEE SHALL COVER THE COST OF THE OPENING AND CLOSING OF NICHE, THE PLAQUE WITH INSCRIPTION AND INTERMENT OF CREMAINS.
- (b) SCATTERING OF CREMAINS :  
THE FEE FOR SCATTERING OF CREMAINS SHALL COVER THE COST OF INSCRIPTION, PLACEMENT OF SCROLL ON A SPECIAL TABLET AND THE RIGHT TO SCATTER IN DESIGNATED AREAS.
- (c) MEMORIAL PLAQUE :  
THE FEE FOR PLACEMENT OF A SCROLL ON THE MEMORIAL TABLET SHALL COVER THE COST OF THE INSCRIPTION.

**(5) CONTAINERS FOR CREMAINS**

THE RECEPTACLES FOR CREMAINS ARE TO BE PURCHASED BY THE FAMILY OF THE DECEASED, MUST CONFORM TO SPECIFICATIONS SUPPLIED BY THE DWELLING PLACE AND MUST BE NO MORE THAN 10 X 10 X 10.

**(6) PLAQUES AND TABLETS**

- (a) THE DWELLING PLACE SHALL SUPPLY PLAQUES OF BRONZE TO BE AFFIXED TO NICHES AND NO OTHER PLAQUES MAY BE USED.  
  
INSCRIPTIONS ON THE PLAQUES SHALL BE OF UNIFORM SIZE AND LETTERING SPECIFIED BY THE COMMITTEE OF THE DWELLING PLACE AND SHALL CONTAIN ONLY THE FULL NAME AND YEAR OF BIRTH AND DEATH.
- (b) INSCRIPTIONS ON THE SCROLL TO BE PLACED ON THE SPECIAL TABLET INDICATING THE PRESENCE OF SCATTERED CREMAINS SHALL BE OF UNIFORM SIZE AND LETTERING SPECIFIED BY THE COMMITTEE OF THE DWELLING PLACE AND SHALL CONTAIN ONLY THE FULL NAME AND YEAR OF BIRTH AND DEATH.
- (c) INSCRIPTIONS ON THE SCROLL TO BE PLACED ON THE MEMORIAL TABLET SHALL BE OF UNIFORM SIZE AND LETTERING SPECIFIED BY THE COMMITTEE OF THE DWELLING PLACE AND SHALL CONTAIN ONLY THE FULL NAME AND YEAR OF BIRTH AND DEATH.

**(7) MEMORIAL SERVICE**

A MEMORIAL SERVICE MAY BE HELD AT THE COLUMBARIUM AT A TIME CONVENIENT WITH THE FAMILY OF THE DECEASED, APPROVED BY THE COLUMBARIUM COMMITTEE AND ARRANGED THROUGH THE CHURCH OFFICE. ONE OF THE MINISTERS OF THE BANNER ELK PRESBYTERIAN CHURCH WILL WORK WITH THE FAMILY OF THE DECEASED CHURCH MEMBERS IN PLANNING AND CARRYING OUT THE MEMORIAL AND/OR COMMITTAL SERVICE. FOR PERSONS WHO ARE NOT MEMBERS OF BANNER ELK PRESBYTERIAN CHURCH, IT IS APPROPRIATE FOR THE DECEASED PERSON'S PASTOR/MINISTER TO CONDUCT THE MEMORIAL AND/OR COMMITTAL SERVICE. THE GUEST PASTOR/MINISTER WILL CONSULT WITH ONE OF THE PASTORS FROM B.E.P.C. AS THE MEMORIAL AND/OR COMMITTAL SERVICE IS PLANNED. IN ALL CASES AT LEAST TWO PERSONS DESIGNATED FROM THE COLUMBARIUM COMMITTEE MUST BE PRESENT TO OPEN THE APPROPRIATE NICHE AND AT THE CONCLUSION OF THE SERVICE TO SEAL THE RECEPTACLE CONTAINING CREMAINS INSIDE THE NICHE.

IF THE MEMORIAL OR COMMITTAL SERVICE TAKES PLACE BEFORE THE PLAQUE BEARING THE NAME OF THE DECEASED ARRIVES, A CROSS WILL BE AFFIXED TO THE FRONT OF THE NICHE UNTIL THE PERMANENT PLAQUE IS RECEIVED AND INSTALLED.

THE FAMILY WILL BE RESPONSIBLE FOR THE CREMAINS FROM THE TIME OF DEATH AND FOR DELIVERY TO THE DWELLING PLACE AT THE TIME OF INTERMENT SCATTERING, AND/OR THE MEMORIAL SERVICE. THE BANNER ELK PRESBYTERIAN CHURCH WILL ASSUME NO RESPONSIBILITY FOR THE CREMAINS UNDER ANY CIRCUMSTANCES EXCEPT TO SCATTER OR PLACE THE CREMAINS IN THE NICHE IN THE PRESENCE OF AT LEAST ONE FAMILY MEMBER OR A DESIGNEE WHEN THIS IS NOT PREFORMED BY THE FAMILY OR THE MINISTER.

**(8) FLOWERS**

FLOWERS MAY BE PLACED AT THE DESIGNATED LOCATIONS ONLY. NO ARTIFICIAL FLOWERS WILL BE ALLOWED.

**(9) CREMATION**

CREMATION FEE, COST OF CONTAINERS, FUNERAL HOME CHARGES, FEE FOR TRANSPORTATION OF THE CREMAINS FROM THE CREMATORIUM TO THE DWELLING PLACE AND ALL OTHER EXPENSES RELATED TO THESE ACTIVITIES SHALL BE THE SOLE RESPONSIBILITY OF THE FAMILY OF THE DECEASED.

**(10) REMOVAL OF CREMAINS**

CREMAINS MAY BE REMOVED FROM THE COLUMBARIUM ONLY WITH THE PERMISSION OF THE BANNER ELK PRESBYTERIAN CHURCH. REMOVAL MUST BE MADE BY SUCH PERSONS AUTHORIZED BY LAW TO DO SO AND UPON COMPLIANCE BY SUCH PERSONS WITH ALL REQUIREMENTS OF STATE, MUNICIPAL, AND OTHER PERTINENT LAWS.

AFTER REMOVAL OF THE CREMAINS OF THE DECEASED AND THE PAYMENT OF ANY CURRENT FEES DUE, ALL RIGHTS TO THE USE OF THE NICHE SHALL REVERT TO THE BANNER ELK PRESBYTERIAN CHURCH, UNLESS OTHERWISE AUTHORIZED BY THE COLUMBARIUM COMMITTEE. NO FEES OF ANY TYPE SHALL BE REFUNDED TO ANY PERSON OR ESTATE UPON THE AFORESAID REMOVAL.

**( 11 ) MAINTENANCE OF THE DWELLING PLACE**

THE BANNER ELK PRESBYTERIAN CHURCH WILL MAINTAIN THE DWELLING PLACE AS LONG AS POSSIBLE. UPON RESERVATION OF A NICHE OR PURCHASE OF THE RIGHT TO SCATTER OR PLACE A SCROLL ON THE MEMORIAL TABLET, THE FAMILY OF SUCH PERSON WITHOUT RESTRICTION, GRANTS THE BANNER ELK PRESBYTERIAN CHURCH THE RIGHT TO REMOVE THE CREMAINS OF THE DECEASED INTERRED AND TO CAUSE THE RE-INTERMENT OF SUCH CREMAINS OR RELOCATION OF THE TABLETS AT ANY OTHER APPROPRIATE LOCATION UPON THE RELOCATION OF THE COLUMBARIUM FOR ANY REASON. WHILE THE BANNER ELK PRESBYTERIAN CHURCH WILL ENDEAVOR TO PROTECT CREMAINS INTERRED IN THE COLUMBARIUM, IT NEITHER ASSUMES THE RESPONSIBILITY FOR SUCH CREMAINS OR THE CONTAINERS IN WHICH THEY HAVE BEEN PLACED EXCEPT TO AFFORD SUCH PROTECTION AS THEY AFFORD OTHER PROPERTIES.

CREMAINS AND THEIR CONTAINERS ARE NOT COVERED BY INSURANCE.

**( 12 ) RECORDS AND ACCOUNTING**

THE BANNER ELK PRESBYTERIAN CHURCH SHALL MAINTAIN RECORDS OF EACH INTERMENT IN THE COLUMBARIUM WITH ITS PRECISE LOCATION, EACH SCATTERING OF CREMAINS AND EACH PLACEMENT OF A SCROLL ON THE MEMORIAL TABLET. THE NAME OF THE DECEASED AND THE YEARS OR DATES OF BIRTH AND DEATH AS WELL AS THE NAMES OF THE DECEASED'S SPOUSE AND CHILDREN SHALL BE INCLUDED THEREIN. THE SITE OF THE BURIAL SHALL, IF AVAILABLE, BE RECORDED FOR THOSE HONORED ON THE MEMORIAL TABLET.

**( 13 ) AMENDMENT OR WAIVER OF OPERATING RULES**

THE DWELLING PLACE COMMITTEE MAY AT ANY TIME UPON REQUEST OR ON IT'S OWN MOTION, WITH THE CONCURRENCE OF THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH, MODIFY, AMEND, REPEAL, SUSPEND OR WAIVE ANY OR ALL OF THE RULES AND REQUIREMENTS STATED HEREIN INCLUDING FEES. A WAIVER OF ANY RULE OR REQUIREMENT STATED HEREIN SHALL NOT BE CONSTRUED, UNLESS SPECIFICALLY SO STATED BY THE BANNER ELK PRESBYTERIAN CHURCH, TO CONSTITUTE A WAIVER OF THAT RULE OR REQUIREMENT WITH RESPECT TO ANY SITUATION OR OCCURRENCE ARISING THEREAFTER. THE USE OF THE COLUMBARIUM AND ITS PARTS AND IN THE WHOLE IS SUBJECT TO THE ABSOLUTE DISCRETIONARY CONTROL OF THE BANNER ELK PRESBYTERIAN CHURCH. IN ALL SUCH DISPUTES THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH SHALL BE THE ABSOLUTE AND FINAL AUTHORITY AND ITS DECISION SHALL NOT BE SUBJECT TO REVIEW BY ANY COURT OF LAW.

ORIGINALLY APPROVED BY:

THE COLUMBARIUM COMMITTEE ON THE 6th DAY OF SEPTEMBER 1994 AND BY THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH OF BANNER ELK, NORTH CAROLINA ON 15th DAY OF SEPTEMBER 1994

AMENDMENTS APPROVED BY:

- (1) THE COLUMBARIUM COMMITTEE ON THE 21st DAY OF SEPTEMBER 1999 AND BY THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH OF BANNER ELK, NORTH CAROLINA ON THE 21st DAY OF OCTOBER 1999
- (2) THE COLUMBARIUM COMMITTEE ON THE 12th DAY OF OCTOBER 2006 AND BY THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH OF BANNER ELK, NORTH CAROLINA ON THE 19th DAY OF OCTOBER 2006.
- (3) THE COLUMBARIUM COMMITTEE ON THE 20th DAY OF MARCH 2007 AND BY THE SESSION OF THE BANNER ELK PRESBYTERIAN CHURCH OF BANNER ELK, NORTH CAROLINA ON THE 26th DAY OF APRIL 2007.