

**GUIDELINES FOR
PURCHASE AND USE OF MEMORIAL WALL SPACES**

The following Guidelines are intended to guide and assist Memorial Drive Presbyterian Church (referred to as the “Church”) and those persons who have purchased Memorial Spaces on the Memorial Wall in the Columbarium and Prayer Garden with respect to the ownership, rights, duties, and responsibilities of all parties in connection with the Memorial Spaces in the Columbarium and Prayer Garden.

1. Definitions. As used in this Agreement:

- a. “Columbarium and Prayer Garden” means the columbarium area, designated by the Church and located on the Church campus, which contains the Memorial Wall Spaces.
- b. "Grantee" means the person or persons or organization applying to purchase and use a Memorial Space.
- c. “Immediate Family” shall mean the spouse, children or grandchildren (be they natural or adopted), parents, step-children, step-parents, grandparents and step-grandparents of a Church member. Subject to the review and written approval of the Committee, other individuals may be considered “Immediate Family” and thus eligible to apply for, purchase and use a Memorial Space on the Memorial Wall in the Columbarium and Prayer Garden as provided herein.
- d. “Incising” means the inscription placed on a Memorial Space that contains the permitted information about the person who is memorialized by each designated and assigned Memorial Space.
- e. “Memorial Space” means a space located on the Memorial Wall in the Columbarium and Prayer Garden.

2. General Statement of Authority. The use, enjoyment and responsibilities relating to the Columbarium and Prayer Garden shall be subject to these Guidelines, the Policies and Procedures of the Columbarium and Prayer Garden of Memorial Drive Presbyterian Church (the “Policies and Procedures”), as may be amended from time to time, and the written agreements between the Church and a Grantee.

3. Administration of the Columbarium and Prayer Garden.

The Columbarium and Prayer Garden shall be administered by the Church’s Columbarium Committee (referred to as the “Committee”) as directed by the Church’s Session. It shall be the responsibility of the Church and Committee to maintain the Columbarium and Prayer Garden and to administer these Guidelines and the Policies and Procedures, which may be changed from time to time by the Session.

4. Eligibility for Ownership.

a. Memorial Wall Spaces may be purchased to memorialize a deceased past or present

- (i) member of the Church,
- (ii) ordained staff of the Church, or
- (iii) a deceased member of either of such class of person's Immediate Family.

b. The following persons shall be eligible to purchase a Memorial Space on the Memorial Wall:

- (i) any past or present member of the Church, or an Immediate Family member of such person;
- (ii) any past or present member of the Ordained Staff of the Church and his or her Immediate Family;
- (iii) an organization within and officially recognized by the Church (including, for example, a recognized Sunday School class, covenant group, circle, Prime Timers, etc.)

5. Only One Person Memorialized. A person may be memorialized only once on the Memorial Wall in the Columbarium and Prayer Garden.

6. Style of Memorial Space and Incising. The Committee shall prescribe the standard style and uniform format for the incising to be placed in the designated Memorial Space. Because of the need and requirement to maintain uniformity and to preserve the beauty and dignity of the Columbarium and Prayer Garden, only approved incising shall be permitted, and only entities or vendors provided or commissioned by the Committee shall be permitted to place the incising in the designated Memorial Space.

7. Costs. The Committee shall determine from time to time the cost and fee schedules associated with a Memorial Space, including incising. The Church shall keep accurate records to reflect the amount paid by and the receipt of such amounts from each Grantee.

8. Ownership by Multiple Grantees. The Church may permit the purchase of one Memorial Space to memorialize one person by more than one Grantee, provided that when more than one prospective Grantee makes an application or request, the prospective Grantee shall designate, in writing, one Grantee who, as between the Grantees and the Church, shall be responsible for the application and payment for and selection of the Memorial Space and any other matters of Grantee-decision contained herein or in any Agreement with the Church. If a designation is not filed with the Church, the Church shall be entitled to rely on the request or direction of any one Grantee.

9. Record of Ownership of Memorial Spaces. The Church shall maintain accurate records of the ownership of Memorial Spaces on the Memorial Wall.

10. Status of the Columbarium and Prayer Garden. It is understood and agreed that the Columbarium and Prayer Garden is neither a perpetual care cemetery, a permanent maintenance

cemetery, or a free care cemetery; nor shall the Church require any Grantee to contribute toward the expenses of maintaining the Columbarium and Prayer Garden. The Church intends to maintain the Columbarium and Prayer Garden in a tasteful, clean, and dignified state befitting the sanctity of the purpose of Columbarium and Prayer Garden. The Church reserves the right to convert the Columbarium and Prayer Garden from a columbarium and memorial wall to another use if such converted use is deemed necessary by the Church. In that event, or in the event of the move of the Church from its present location, the Church has no obligation to replace the Memorial Wall at such new location.

- 11. Dispute Resolution.** If one or more disputes arise in relation to these Guidelines or the rights or entitlements of Memorial Wall space, the Church, acting through the Committee, shall have the right to resolve such conflict or dispute in the exercise of the Committee's sole discretion, including, without limitation, the right to deny such requested or disputed rights, or rights of transfer or assignment, pending an agreement in writing satisfactory to the Committee, among any or all the parties in interest or a final non-appealable judgment of a court of competent jurisdiction that resolves the issue, all as the Committee shall determine. In any case in which Memorial Wall space rights may involve community property, the Church may require joinder of all relevant spouses on any instrument or document provided for herein or otherwise relating to such rights. The disputes or conflicts covered by these procedures may be ecclesiastical in nature, and therefore, nothing herein shall confer jurisdiction in a secular court, and the Church expressly reserves the right to challenge the jurisdiction of a secular court to resolve such disputes.