



STATE CORPORATION COMMISSION

Richmond,

December 1, 1965

This is to Certify that the certificate of incorporation of

Elk Run Cemetery Company, Inc.

*was this day issued and admitted to record in this office
and that the said corporation is authorized to transact its
business subject to all the laws of the State applicable to
the corporation and its business.*

State Corporation Commission

William C. Young
Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
OFFICE OF THE CLERK

RICHMOND, VA.,
December 1, 1965

\$ 35.00

RECEIVED OF

Mr. Norvell A. Lapsley
107 South Main Street
Harrisonburg, Virginia

Thirty-five and no/100-----DOLLARS

FOR Elk Run Cemetery Company, Inc.

on account of fees in connection with articles filed by the above corporation:

Filing Fee, \$5.00; Charter Fee, \$25.00 ; Recording Fee, \$5.00 .

The certificate of Incorporation

was issued and admitted to record in this office on the date above written.

William C. Young
Clerk of the Commission

Cert. Enc.

ARTICLES OF INCORPORATION OF
ELK RUN CEMETERY COMPANY, INC.

We, the undersigned, hereby associate to form a non-stock corporation under the provisions of Chapter II of Title 13.1 of the Code of Virginia as amended to date, and to that end set forth the following:

I

The name of this corporation is Elk Run Cemetery Company, Inc.

II

The purposes for which this corporation is formed are: to buy, sell, own, hold, and operate real estate and personal property of all kinds; to conduct and operate a cemetery, and to own, sell, and trade any personal property of all kinds necessary or incident to the operation or management of said cemetery.

III

There are to be no members of this corporation.

IV

The directors of this corporation are to be selected by a majority vote of the then directors at the annual meeting of said corporation.

V

The post office address of the initial registered office is 305 Hill Avenue, Elkton, Rockingham County, Virginia. The name of the corporation's initial registered agent is Samuel P. H. Flick, 305 Hill Avenue, Elkton, Virginia. The initial registered agent is a resident of the state of Virginia and is a director of the corporation, whose business office is identical with the corporation's registered office.

VI

The number of directors constituting the initial Board of Directors is three (3) and the names and addresses of the persons who are to serve as the initial directors are: Hiram E. Monger, 107 Lewis Avenue, Elkton, Virginia, Samuel P. H. Flick, 305 Hill Avenue, Elkton, Virginia, and Hugh T. Frye, 803 East Spotswood Avenue, Elkton, Virginia.

Given under our hands and seals this 20th. day of November, 1965.

_____(Seal)
Hiram E. Monger

_____(Seal)
Samuel P. H. Flick

_____(Seal)
Hugh T. Frye

STATE OF VIRGINIA,
COUNTY OF ROCKINGHAM, to-wit:

I, _____, a Notary Public of and for the County of Rockingham, State of Virginia, do hereby certify that Hiram E. Monger, Samuel P. H. Flick, and Hugh T. Frye, whose names are signed to the foregoing Articles of Incorporation bearing date the 20 day of November, 1965 have each this day acknowledged the same before me in my County and State aforesaid.

My commission as Notary Public will expire on the 21 day of February, 1966.

Given under my hand this 20th. day of November 1965.

A. H. Louderback (Notary Public)

BY-LAWS OF
ELK RUN CEMETERY COMPANY, INC.

I

The Board of Directors and the Corporation shall meet on the first Saturday in June of each year, and at such called meetings as may be deemed necessary by the Board of Directors, upon due notice having been given to each member. Three members shall constitute a quorum. This Board shall have the authority to remove and replace any person acting as its agent in conducting the business of the corporation.

II

In addition to the officers of this corporation required by the Articles of Incorporation, there shall be a Superintendent of Grounds, who shall be elected annually by the Board of Directors at their annual meeting.

III

The President shall, immediately after his election, appoint the following standing committees, who shall serve during the following year and until their successors have been appointed, namely;

1. A Committee on Finance to consist of three members, to whom shall be referred all matters concerning the monetary affairs of the Corporation, and who shall control the same, subject to the action of the Board of Directors.

2. A Committee on Grounds, to consist of three members, one of whom may be the Superintendent of Grounds, to whom shall be referred all matters connected with the management, cultivation, beautifying and use of the grounds, and who shall, subject to the action of the Board of Directors, and the rules and regulations set down in these By-laws, control and manage the grounds, through the Superintendent, and direct the work thereon and the improvemtnes thereon.

3. A Committee on Rules, to consist of three members, to whom shall be referred all matters connected with the rules and regulations controlling the use and management of the grounds owned by the corporation, and no rule or regulation shall be adopted, and no old rule or regulation shall be abrogated or amended until referred to the said committee and acted upon by it.

IV

The Treasurer shall keep an account of all money received by the corporation for the sale of lots, assessments, donations, or otherwise, and, when required shall give such bond and security for the faithful discharge of his duties as may be required by the Board of Directors. All monies received by him shall be deposited in a bank to be designated by the Board, to the credit of the corporation, and be subject to the Treasurer's check, countersigned by the President. He shall make a report of his transactions and of the monetary condition of the corporation at each regular annual meeting of the corporation, as required by the Board, and recorded in the minutes of the meeting of the Board. He shall receive such compensation for his services as is decided upon by the Board of Directors and recorded in said minutes. His accounts shall be audited at least annually.

V

The Superintendent shall have general charge of the cemetery and shall keep the same in order, and direct and control all workmen and laborers therein, whether they be working for the Board of Directors or for lot owners. He shall keep a memorandum of all burials in the cemetery, and report to the Secretary the names of all persons buried, the date of such burial, and the lot in which burial takes place, and he shall perform all such other duties pertaining to his office as the Board of Directors may prescribe.

IV II

The Superintendent will see that the boundaries of all lots are fully defined and marked by cornerstones, and persons desiring to know the location of the lines of their lots must apply to him.

VII

For the purpose of preserving the beauty and symmetry of the grounds, and of protecting lot owners from the vagaries of bad taste, the Board of Directors reserves the right to control the character of frames or other ornaments that may be constructed upon any lot; and when, in the opinion of the Board, such structures are detrimental to the appearance or convenience of the grounds, the same may be removed at the cost of the Association. No stone, marker, coping or any ornament of any sort may be placed on any lot unless set in concrete which projects at least four inches on all four sides of such coping or ornament. This by-law will be strictly enforced and the corporation claims the right to change any such markers, copings and ornaments to conform to this rule at the expense of the lot owner if necessary.

VIII

When workmen are engaged in erecting monuments, or doing any other building on the grounds, they must use great care in protecting the neighboring lots from injury, and upon finishing their work must, without delay, clean up all litter and dirt, and remove all machinery, lumber and materials used by them, and when the workmen fail to comply with the above conditions, the Superintendent, under whose general supervision all such work is done, shall cause the grounds to be cleared of all dirt, etc. and recover the costs thereof from the owner of said lot or lots.

IX

When an owner of a lot shall so neglect to keep the same in order and it shall detract from the general good appearance of the cemetery, it shall be the duty of the Secretary to notify the owner of the condition of his lot, to request him, in the name of the corporation, to put it in good order. Should such request be not complied with, the corporation shall have the right to make such repairs and do such work as may be necessary to put the lot in good order, and charge the cost of same to the owner of said lot.

X

The Board of Directors may annually assess the owner of each lot with a sum which shall not exceed eight (\$8.00) Dollars in any one year. This assessment shall be applied to the general improvement of the grounds. The term lot, as used in this section, shall be constructed to include all the lands laying contiguous and owned and used as a whole, even though it contains more than one lot as laid down on the plat of the grounds.

XI

When a lot has been purchased and the purchases has not paid for said lot, the corporation shall have the right to remove the remains of those who have been buried therein to some suitable place to be provided for this purpose, and after such removal the corporation shall have the right to resell said lot. After such removal the title to said lot shall revert to the Elk Run Cemetery Company, Inc. and it may be sold by them in a deed issued therefor as though the lot had never been sold. When a lot or any portion thereof has been abandoned, the title to the unused portion shall revert to the corporation. It shall be the direct responsibility of the lot owner to keep the corporation advised of the full and complete address of the person to whom communications regarding the said cemetery lot should be mailed.

Failure to do so can affect title to said lot as stated in this article. If the owner of such lot shall fail to pay the assessment thereon for a period of ten years, the same shall be deemed to be abandoned within the meaning of this section.

XII

No interment shall be made without the written permission of the Treasurer, who shall not issue same until all charges against the lot shall have been paid. No grave shall be opened in any lot without this permit.

XIII

The prices to be charged are as follows:

	<u>Space</u>	<u>Perpetual Care</u>	<u>Total</u>
1	grave	37.50	75.00
2	"	75.00	150.00
3	"	112.50	225.00
4	"	150.00	300.00
6	"	225.00	450.00
8	" 1/2 lot	300.00	500.00
16	" 1 lot	600.00	1000.00

Above prices apply to all lots with the exception of Section 8 and perpetual care contracts in old cemetery. Perpetual care contracts will be offered in old cemetery @ \$37.50 per grave site - \$200.00 per half lot and \$400.00 per lot. Lots in old cemetery must conform to by-laws as regards, markers, ornamentation, shrubbery, etc. before lot will be eligible to purchase perpetual care.

The prices given below apply to Section 8, fronting on North Avenue:

	<u>Space</u>	<u>Perpetual Care</u>	<u>Total</u>
1	grave	112.50	150.00
2	"	225.00	300.00
3	"	337.50	450.00
4	"	450.00	600.00
6	"	675.00	900.00
8	" 1/2 Lot	700.00	1000.00
16	" 1 Lot	1200.00	1800.00

Maintenance Charge

1 Lot	- 8.00
1/2 lot	- 4.00
1/4 lot	- 2.00
Min. Chg.-	2.00

Opening, closing and cleaning up grave \$35.00

XIV

The payment of the sums opposite the various sizes of lots appearing in the following list shall exempt the lot owner from the annual assessments and shall entitle the lot on account of which it shall be paid to special care in perpetuity:

One grave space	<u>37.50</u>
Two grave space	<u>75.00</u>
Three grave space	<u>112.50</u>
Four grave space	<u>150.00</u>
Six grave space	<u>225.00</u>

Monies paid in for such an exemption and perpetual care shall be deposited in a separate account from which only the interest may be used for upkeep.

XV

No interment shall be made in any lot without the consent of the owner thereof.

XVI

No trees, shrubs, flowers, or vines shall be planted in any lot, nor shall any growing thing thereon be removed, without the consent of the Committee on Grounds.

XVII

Vehicles must be kept strictly on the roadways, Visitors will be required to keep on the walks, and not pull flowers or shrubs or injure the trees . Children, not attended by grown persons who will be responsible for their behavior, will not be admitted.