

COLUMBARIUM GOVERNING POLICIES

ADVENT LUTHERAN CHURCH

OWNERSHIP TITLE AND PROPERTY RIGHTS

Advent Lutheran Church retains legal title to all Columbarium niches. The Purchaser acquires no property rights in the Columbarium and its niches and agrees that said areas are at all times under the sole ownership and control of Advent Lutheran Church.

ELIGIBILITY FOR INURNMENT

Inurnment in the Columbarium is restricted to the cremated remains of members, pastors, former members, and former pastors of Advent Lutheran Church and their parents, spouses, and children and shall be known as an “eligible person”.

COST OF A NICHE

The one-time fee to reserve a niche in the Columbarium shall be determined by the Columbarium Committee and approved by the Congregation Council. The fee includes the right of inurnment in the reserved niche, the urn, inscription on the niche, and ongoing care for the Columbarium. The fee does not include the cost of cremation. The Church may change the fee, but the current niche reservation holders will not be reimbursed or assessed additional costs if the fee is changed.

Purchase of a niche is actually purchase of a right of inurnment in the Columbarium. While the purchaser does not hold a deed as such, the purchase is equivalent to a cemetery plot so that tax deductions do not apply to the purchase of a right of inurnment. Some purchasers may wish to discuss this matter with their own attorney or accountant.

FINANCIAL STATEMENT

No reference of payment for a niche will appear on any quarterly statement of contributions to Advent Lutheran Church.

COLUMBARIUM LOCATION

The Columbarium is located on the west wall at the back of the sanctuary of Advent Lutheran Church. The Church reserves the right to move the Columbarium to other locations within the precincts of the Church, or to another building should it become desirable or necessary.

RESERVING A NICHE

To reserve a niche, a person must submit full payment of the fee and a completed Application for The Reservation of A Niche form to a member of the Columbarium Committee. The committee will review each reservation form for compliance with applicable policies and procedures and confirm that the identified niche is available for reservation. If approved by the committee, the Pastor or the Church Treasurer will sign the reservation form to indicate the Church's acceptance. The committee will deliver the signed reservation form to the Purchaser, provide a copy to the Church, and update the Columbarium records accordingly. Once an application is accepted, the Purchaser has reserved a niche in the Columbarium and the fee is non-refundable.

ACCEPTANCE

The Church, in its sole discretion, may reject any application for inurnment. After an application for inurnment has been accepted by the Columbarium Committee, such acceptance may subsequently be revoked by the Church within thirty (30) days of acceptance. Revocation of the acceptance of an application for inurnment must be recommended by the Columbarium Committee and approved by the Congregation Council. Upon revocation of the acceptance of an application for inurnment, the applicant's deposit will be promptly returned.

SELLECTING A NICHE

The Columbarium Committee will maintain a list of niches that are available for reservation. Each submitted reservation must identify the selected niche. The right of a person to select a specific niche or niches is granted in the order in which the application is received as determined by the Columbarium Committee.

CANCELLATION OF A NICHE RESERVATION

A person holding a niche reservation may cancel the reservation by providing written notice of cancellation to Advent Lutheran Church, with no compensation due to the person or the designated person's estate or family.

CANCELLATION OF A NICHE RESERVATION WHEN A NICHE IS NOT USED

If the remains of the person designated on the final accepted reservation have not been inurned in the niche within either five years after the person's death or 120 years after the person's birth, the niche reservation will be cancelled, with no compensation due to the niche reservation holder or the designated person's estate or family. An exception may be made in the case of a person who donates their remains to science but wishes to reserve a niche with an engraved nameplate.

CANCELLATION OF A NICHE RESERVATION WHEN REMAINS ARE REMOVED

If the remains of the person designated on the final accepted reservation are inurned in the niche and subsequently removed by a member of the deceased's family or to comply with law, the niche reservation will be cancelled, with no compensation due to the designated person's estate or family.

TRANSFERRING A NICHE

The right to use a reserved niche may not be sold or otherwise transferred by any individual. It can only be surrendered back to Advent Lutheran Church without any refund of the original payment.

SHARING A NICHE

The capacity of a niche is one urn. The niche shall be limited to the deposit of an urn containing the cremated remains of one human person and no other, as is specified in writing by the Purchaser at the date of issuance of the Certificate of Reserved Use. No object other than urns of cremated human remains may be placed in any niche.

URNS

The only urn that may be used for inurnment in the Columbarium is the urn provided by the Church and included in the fee.

INSCRIPTIONS ON NICHEs

Inscriptions on the face of each niche are limited to the name and years of birth and death of the deceased. The size and style of the inscription on each niche must be as prescribed by the Columbarium Committee. Inscriptions will include the information shown on the final accepted reservation. The deceased's name will be permanently marked on the urn. The Columbarium Committee will arrange for the inscriptions, which are included in the fee

CERTIFICATE HOLDER'S MAILING ADDRESS

Each niche reservation holder must notify the Church of changes to his or her mailing address and phone number. Correspondence mailed by the Church to the holder at his or her last known address will be deemed received by the holder seven days after the correspondence is sent.

REMOVING CREMATED REMAINS

Cremated remains may be temporarily removed by the Church while making repairs or improvements to the Columbarium. Otherwise, remains may only be removed with the written consent of both Advent Lutheran Church and a member of the deceased's family or when required by law

FUNERAL AND COMMITTAL SERVICES

Remains may not be inurned in the Columbarium without a committal service conducted according to the Lutheran Order of Service. Funeral services may be held in the Church or in the Columbarium area. Funeral services may include a committal service at the Columbarium. Only a Pastor of Advent or an ordained minister invited by a Pastor of Advent Lutheran Church may officiate at a committal service at the Columbarium.

FLOWERS, FLAGS, SIGNS, AND OTHER DECORATIONS

No flowers, real or artificial, shall be allowed in the Columbarium area except at the time of inurnment or with the approval of the Pastor. Flags, signs, and other decorations may not be placed in or near the Columbarium. Prohibited items may be removed and disposed of by the Church without notice or liability to the owner of the item or any niche reservation holder.

VISITING HOURS

The Columbarium shall be open to visitors at all times when the Church is open to the public or on special occasions.

CARE FOR THE COLUMBARIUM AND LIMIT OF LIABILITY

The Church will provide reasonable ongoing care for the Columbarium. However, the Church, and all persons acting on the Church's behalf will not be liable for any loss or damage to the Columbarium, niches, urns, or cremated remains inurned in the Columbarium. The Church may purchase insurance for its own benefit, but the Church is not obligated to purchase insurance for the benefit of niche reservation holders, designated persons to be inurned, or their estates or families. If there is a discrepancy between a reservation form or change form and the Church's records, the Church's records control.

RECONFIGURATION OF THE COLUMBARIUM

The Church reserves the right to enlarge or remodel the Columbarium, or to remove the Columbarium and build a new Columbarium in a new location and abandon the use of the

existing Columbarium in the event of the demolition or remodeling of the present Church edifice or its sale by the Church, and in any of said events if any niche is affected, the Church may substitute for the niche another of substantially like size and character in which event the Purchaser shall have the same right in the substituted niche

TERMINATION OF THE COLUMBARIUM

Niche reservations and rights of inurnment will continue as long as the present Columbarium stands and is owned by Advent Lutheran Church. If the present Columbarium is to be sold or demolished and a replacement Columbarium will not be furnished, niche reservations will be cancelled, and rights of inurnment will cease. In that event, Advent will attempt to notify each niche reservation holder that the reservation will be cancelled and will attempt to notify a family member of each person inurned in the Columbarium that the person's remains must be removed from the niche. If the Church is not able to contact a member of the person's family using information in the Church's records or if the remains are not removed within a reasonable period of time, the Church may relocate the remains as it deems proper. No compensation will be due to the niche reservation holder or the person's estate or family

AMENDMENT OR WAIVER OF COLUMBARIUM POLICIES AND PROCEDURES

Advent Lutheran Church reserves the right to alter, amend, and/or revoke the Columbarium Policy at any time and from time to time as necessary or appropriate in the best interests of Advent Lutheran Church and its members. Purchasers will be notified of such changes.

SUBJECT TO LAWS

In addition to the policies and procedures, the Columbarium's installation, maintenance, inurnments, disinurnments, and removals shall comply with all federal, State of California, County of Santa Clara and City of Morgan Hill laws, rules, and regulations to the extent they are applicable to the Church.

QUESTIONS concerning the Columbarium should be addressed to the Columbarium Committee or the church office.

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