Greenwood Cemetery Advisory Committee

FINAL REPORT 2014

City of Birmingham
A Walkable Community

OVERVIEW

On October 21, 2013, the Birmingham City Commission adopted resolution #10-297-13 establishing the ad hoc Greenwood Cemetery Advisory Committee to balance the interest of those interred in Greenwood Cemetery and their surviving family members, those who wish to be interred in Greenwood Cemetery, those will pay for the regular care and maintenance of the cemetery in perpetuity, and those who wish to preserve Greenwood Cemetery as a historic site. The committee was charged with seven core duties in fulfilling its purpose as outlined in its authorizing resolution. This final report provides the committee's recommendations resulting from several meetings of analyzing the issues and opportunities for the cemetery.

COMMITTEE MEMBERS

Chairperson -	George Stern
Vice Chairperson -	Pamela DeWeese
	Kevin Desmond
	Darlene Gehringer
	Linda Peterson
	Laura Schreiner
	Daniel Share
Staff	Joseph A. Valentine, Interim City Manager
	Laura Pierce, City Clerk
	Christian Wuerth, Assistant to the City Manager

SUMMARY

In conclusion of the efforts put forward by the Greenwood Cemetery Advisory Committee several recommendations have been prepared for consideration by the City Commission. Many of the recommendations contained in this report can be supplemented by the additional documentation contained in the Appendices section. Commentary has been added to some of the recommendations to provide clarity and additional explanation of the intent behind particular recommendations.

A total of 9 public meetings were held during the course of the committee's deliberations on these issues. This included a meeting specifically dedicated to solicit input from the public on the recommendations contained in the final report.

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GREENWOOD CEMETERY ADVISORY COMMITTEE RECOMMENDATIONS

1. Prepare recommendations regarding whether or not to proceed with the reclamation of abandoned burial spaces within the existing cemetery and, if so, the best method for doing so.

Recommendations:

1. The Committee recommends the City identifies the unsold/unused burial spaces at the cemetery and offer them for sale.

2. The Committee recommends that the City of Birmingham shall promptly commence reclamation proceedings under Public Act 46 of 1931 to acquire title to burial spaces believed to be abandoned for at least 50 years. The City of Birmingham shall complete those reclamation proceedings at the earliest practical time. Thereafter, the City of Birmingham shall review the cemetery records at least every 10 years to determine whether to undertake additional reclamation proceedings

   Commentary:
   The reclamation process requires at least three different types of skills: documentary research and the preparation of notices; physical verification of whether burials have occurred in plots believed to be vacant; and legal experience and licensure. The City administration can manage the reclamation process using, where necessary, contractors for physical verification and to conduct legal proceedings. The Committee's preference is that the City manage the reclamation process. However, the Committee recognizes that managing the reclamation process may impose additional costs, require the City to forego or defer other important services for residents or may unduly delay completion of the reclamation process. The City Commission, not the Committee, is the body charged with allocating scarce public resources. If the City Commission decides that the reclamation process is best managed by a third party, there are a variety of groups in addition to cemetery professionals who have the capability of –and may have interest in-- managing the reclamation process, including the Birmingham Historical Society, the Birmingham Public Library, History Departments at local colleges and universities, or law firms.

3. The Committee recommends that any sales occurring as the result of the reclamation process initially be offered to those currently on the interest list according to the date their name was added to the list and thereafter offered to the general public.

4. The Committee recommends that for any future plot sales by the City a restriction be placed upon such sales requiring that the owners wishing to sell these plots

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may only return the unused plots to the City for resale and that no private sales may occur.

5. The Committee recommends that the City digitize its burial records.

6. The Committee recommends the City utilize both existing burial records and Ground Penetrating Radar (GPR) to develop a map of all known burial sites.

7. The Committee recommends the City notify owners whose records reflect no burials (single spaces and within family lots) within the last 50 years to determine if they wish to sell back to the City.

8. The Committee recommends that letters be sent by first class mail to those on the Interest List to purchase burial rights to confirm that they wish to remain on the list and with the consequence that by not responding within 30 days they will be removed from the Interest List. The Committee further recommends that the sale of City owned plots be sold pursuant to this list in accordance with the following procedure:

    a. Letters are sent pursuant to the above recommendation.
    b. When the time period expires, anyone from the list will be allowed to be added back on the list on a first-come, first-serve basis.
    c. This recommendation does not apply to burial sites privately owned prior to the date the city adopts this recommendation, unless the city subsequently acquires any such sites.

    Commentary:
    Given the importance of these letters, the City should include language on the outside of the envelope that clearly states "Greenwood Cemetery – Time Sensitive."

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2. Prepare recommendations regarding whether or not to plan for the development of new burial spaces within the existing cemetery and, if so, the best method for doing so.

Recommendation:

1. The Committee recommends that the roadway between section K and L be developed to accommodate 70 traditional casketed spaces.

2. The Committee recommends that the City of Birmingham investigate the feasibility of installing columbaria for the inurnment of cremated remains, including but not limited to, the north boundary of Greenwood Cemetery.

Commentary:
The Committee believes that there is substantial existing, and will be substantial future, demand for sites for cremated remains within Greenwood Cemetery. The north side of the Cemetery, where it begins to slope down to the Rouge River, is a suitable site for creating an attractive expansion of sites that might be coordinated with existing natural features and/or an expansion of the Rouge River trail. However, consultation with the City Engineer reveals that there are a number of complicated questions about whether and how this might be accomplished, such as the character of the soil in the area and flood plain regulation. The Committee lacks the funds and the expertise to investigate these questions.

This recommendation might be one that the City Commission wishes to implement at a future time. If the City Commission accepts the Committee's recommendations, there will be a substantial number of sites available for sale within a relatively short time period. If the supply of sites exceeds current demand, future investigation of this possibility might be better informed by then-existing conditions.

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3. Prepare recommendations regarding whether or not to plan for the expansion of the existing cemetery and, if so, the best method for doing so.

Recommendation:

1. The Committee recommends against expanding Greenwood Cemetery's boundaries at the present time.

   Commentary:
   There are two vacant lots adjacent to the Cemetery – one to the east, and one to the northwest. The Committee accepts the recommendation of the consultant that the lot to the northwest would be difficult to integrate into the Cemetery. The vacant lot to the east is presently too expensive to be feasible for cemetery use. Should the lot to the east remain vacant and become available at a reduced price such that the revenue from the sale of additional burial sites will exceed the cost of installing the improvements necessary to create additional burial plots, screening the property from the residential neighbors to the east and north, and funding the trust to pay for annual maintenance and upkeep of that parcel, the Committee believes the expansion would be desirable.

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4. Prepare recommendations regarding whether or not to establish an endowment care fund to provide regular care and maintenance of the cemetery in perpetuity and, if so, the best method for doing so.

Recommendation:

1. The Committee recommends that the City of Birmingham establish a trust to pay costs of the maintenance, upkeep and improvement of Greenwood Cemetery now and in the future. The trust will be funded by the sale of City-owned burial plots and donations. The Committee further recommends that the trust be established through written documentation. The trust shall initially be managed with the expectation that income will pay for the costs of maintenance and upkeep of the Cemetery, and that principal will be utilized only from funds donated for specific improvements or when there is sufficient principal to fund perpetual care or in exigent circumstances.

   Commentary:
   A trust funded through the sale of available burial spaces the City now owns or subsequently acquires through reclamation proceedings should be established to assure the ongoing upkeep of Greenwood Cemetery reducing the burden on the City's general fund. Annual upkeep includes maintenance, repair or replacement of landscaped areas, roads, walkways, irrigation systems and historic memorials for which families cannot be located. When sufficient funds have accumulated, the trustees may create reserves for investment losses and capital improvements.

   While the Committee believes that the primary purpose of such a trust should be to assure the perpetual upkeep and maintenance of Greenwood Cemetery, the trust is also a suitable vehicle to fund improvements to the Cemetery. The Committee has made a recommendation about the types of improvements that would be desirable. The trust could be an appropriate entity to act as stewards of funds donated for improvements to the Cemetery or a new entity, such as a "Friends of Greenwood Cemetery" could be created to solicit donations, earn a market rate of return and then donate funds to the City for specific cemetery projects.

   Because sales of burial spaces will occur over time, the trust will not be fully funded at its inception. Therefore, the City of Birmingham may wish to choose between paying the cost of annual maintenance until the trust principal accumulates to a sufficient amount that the income will pay those costs, or loaning sufficient funds to the trust to enable the income to pay the annual costs of maintenance without burdening the general fund.

2. The Committee recommends the City develop a donor program for improvements specific to and appropriate to the cemetery.

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Commentary:
There are a number of upgrades, such as benches, fountains or shelters for meditation and reflection, that would enhance visitors' experience at the Cemetery. A combination of two or more of these features, like a meditation shelter with seating or a fountain (either of which could also incorporate a columbarium), might be especially desirable. The Committee believes that any such enhancement should be specifically designed for the Cemetery and should be different from the existing donor program used in the City's parks. The Committee believes it is vital to preserve the historic nature of Greenwood Cemetery. Any improvements should be made under a comprehensive, long-term plan that blends Greenwood Cemetery's history and character with the natural landscape. Consultation with the Historic District Commission would help assure all these aesthetic goals can be achieved.

3. The Committee recommends the City seek a legal opinion whether the cemetery is or could be classified as a park within the meaning of MCL 129.97a(1) of Public Act 20 of 1943, such that the trust could earn a market rate of return.

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5. Prepare recommendations regarding the need for a standing cemetery advisory committee and, if so, the duties the committee shall be charged with.

Recommendation:

1. The Committee recommends that the City Commission appoint 5 persons to a Greenwood Cemetery Board, chosen from among the citizens of Birmingham, representing diverse interests, such as persons with family members interred in Greenwood Cemetery; owners of burial sites within Greenwood Cemetery intending to be interred in Greenwood Cemetery; persons familiar with and interested in the history of Birmingham; persons with familiarity and experience in finance, investment, landscape architecture, horticulture, law or cemetery or funeral professionals. The Greenwood Cemetery Board should be empowered to make recommendations to the City Commission as to modifications to the rules and regulations governing Greenwood Cemetery, what capital improvements should be made to the Cemetery, and how to respond to future demands for cemetery services.

   Commentary:
   The Committee values the City of Birmingham's ownership of Greenwood Cemetery. It is entirely appropriate that the City continue to own the Cemetery as an asset that the entire community can benefit from. Thus, the ultimate control over the rules and regulations of the Cemetery, as well as how the Cemetery might best respond to future community needs which are presently unknowable, are best left to the City's publicly-elected officials.

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Nonetheless, the long-term direction of the Cemetery requires a certain amount of specialized knowledge which can be gained either from prior experience in the area or active involvement with the Cemetery. The Committee believes that an appropriate balance of specialized focus and City control can be achieved by having a group of citizens in charge of monitoring the Cemetery and recommending how it might best be managed to its owner, the City.

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6. Solicit and receive public input on those recommendations.

The Committee held meetings on the following dates. All meetings were publically noticed and were open to the public.

January 14, 2013	February 25, 2014	April 10, 2014
January 30, 2014	March 13, 2014	April 22, 2014
February 13, 2014	March 25, 2014	May 8, 2014 – Public Input Meeting

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7. *Finalize and present recommendations to the City Commission by June 30, 2014.*

The final report of the Greenwood Cemetery Advisory Committee was presented to the City Commission on June___ , 2014.

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8. Additional Recommendation

Recommendation:

1. The Committee recommends that the City of Birmingham review the Greenwood Cemetery Management Agreement dated June 24, 2013 in light of the Committee's other recommendations to determine whether to modify the Agreement to be consistent with those recommendations the City Commission adopts or to terminate the Agreement.

   Commentary:
   As noted in Recommendation 2 of Section 1, the Committee recognizes the City Commission has the responsibility to allocate the City's resources and therefore should decide what, if any, task to outsource. The Committee believes that if the City elects to retain the Agreement, it should be amended to conform to applicable law and to expand the clause prohibiting discrimination in employment to include the obligation of the contractor to respect the burial customs of persons, without regard to religious affiliation. The City may also wish to consider whether to operate Greenwood Cemetery itself to generate operating surplus's for perpetual care of the cemetery or to supplement the City's general fund.

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ARTICLE II. GREENWOOD CEMETERY

Sec. 34-26. Supervision.
Sec. 34-27. Sale of lots.
Sec. 34-28. Rules and regulations.

Sec. 34-26. Supervision.

The care, maintenance and operation of Greenwood Cemetery in the city shall be under the supervision and control of the city manager.

(Code 1963, § 3.41)

Sec. 34-27. Sale of lots.

The sale of the lots in Greenwood Cemetery, and the issuance of burial and other permits pertaining to the use of lots in the cemetery shall be under the control and supervision of the city clerk. Upon payment of an administrative fee in the amount set forth in the schedule of fees, charges, bonds and insurance, such clerk shall record all sales and transfers of lots in the cemetery. The clerk shall keep an accurate record of all interments in the cemetery.

(Code 1963, § 3.42; Ord. No. 1507, § 3.42, 11-25-91; Ord. No. 2010, 2-8-10)

Sec. 34-28. Rules and regulations.

The city manager may adopt such rules and regulations for the control of Greenwood Cemetery, for the conduct of persons therein, and governing the charges for lots, burial spaces and services, as he may deem necessary. Such regulations shall, when approved by resolution of the city commission, have the full force and effect of law, and shall be binding upon all persons in and about the cemetery. All such regulations shall be available to the public at the office of the city clerk, and elsewhere as the manager may direct.

(Code 1963, § 3.43)

PUBLIC CEMETERIES
Act 46 of 1931

AN ACT to supplement the laws providing for the establishment, control, maintenance and care of public cemeteries by cities and townships within this state; to define the powers and duties of cemetery boards and other public officials invested by law with the management thereof; to provide for the termination and forfeiture of rights in certain unused burial spaces in such cemeteries; to prescribe and regulate the procedure with reference thereto; to authorize the resale of such spaces and to direct the investment and use of the funds received therefrom; and to repeal all acts or parts of acts inconsistent with the provisions hereof.

History: 1931, Act 46, Eff. Sept. 18, 1931;—Am. 1947, Act 149, Eff. Oct. 11, 1947.

The People of the State of Michigan enact:

128.11 Definitions.

Sec. 1. The term "cemetery" as used herein shall be deemed to refer to any public cemetery owned, managed or controlled by any city, village or township within this state. "Cemetery Board" as used herein shall be construed as referring to and including any board, trustees or public official or officials invested by law with the duty of managing or controlling any public cemetery as herein defined. "Burial space" means a lot or portion thereof in any cemetery as aforesaid designed and intended for the interment of human bodies or of a human body, but not used for such purpose. "Owner" means any person or persons owning or possessing the privilege, license or right of interment in any burial space.

History: 1931, Act 46, Eff. Sept. 18, 1931;—Am. 1947, Act 149, Eff. Oct. 11, 1947;—CL 1948, 128.11;—Am. 1949, Act 107, Imd. Eff. May 17, 1949.

128.12 Failing or neglecting to care for and maintain burial space; proceedings for termination and forfeiture of owner's rights and interest; resolution; petition; service; publication of hearing notice; failure to appear and answer; default.

Sec. 2. If the owner of a burial space in a public cemetery, subject to the provisions of this act, fails and neglects for a period of 7 years or more to care for and maintain the burial space in accordance with the laws, rules, and regulations relating to the care and maintenance of burial spaces, the cemetery board may institute proceedings for the termination and forfeiture of the owner's rights and interest in the burial space. If the cemetery board determines that the owner has failed or neglected to care and maintain the burial space, the cemetery board shall adopt a resolution reciting this determination. A certified copy of the resolution shall be served on the owner personally by a competent person or shall be sent by first class mail to the owner's last known address. If within 30 days after the sending of the resolution the owner does not comply or make provisions for complying with the laws, rules, and regulations, the cemetery board may cause a petition to be filed in the circuit court for the county in which the cemetery is located. The petition shall set forth the facts relating to the sale and ownership of the burial space, the owner's failure and neglect to comply with the laws, rules, and regulations for the care and maintenance of the burial space, and shall ask for the termination and forfeiture of the owner's rights to the burial space. The petition shall be noticed for a hearing, on a date not less than 40 days from the date of filing. Within 15 days after filing, a copy of the petition with the hearing notice shall be personally served on the owner or copies of the petition shall be sent by first class mail to the last known address of the owner. Notice of the hearing shall be published once each week for 3 successive weeks in a newspaper of general circulation in the county in which the cemetery is located. The first notice shall be published not less than 30 days before the date of hearing. After the petition and notice have been served or sent, it is the owner's duty to appear and answer to the allegations of the petition. If the owner fails to appear and answer on the day noticed for hearing, the owner's default may be entered in the manner provided for by law.

History: 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.12;—Am. 1989, Act 14, Imd. Eff. May 10, 1989.

128.13 Burial space; proceedings for termination of rights; forfeiture; city, village or township may re-sell; copy of order served on owner; redemption.

Sec. 3. On the day noticed for the hearing of said petition or on any subsequent day to which the hearing of the cause is adjourned, the proofs and allegations of the parties shall be presented to the court and if said court shall determine therefrom that the owner has failed and neglected for a period of 7 years preceding the filing of said petition to comply with the rules and regulations relating to the maintenance and the care of said burial space or spaces, an order shall be entered accordingly, forfeiting and terminating the rights and interest of such owner in and to said burial space or spaces, subject to the provisions of this act, and shall further provide

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that the city, village or township, through and by its proper board or other officials shall have the right to re-sell such spaces and to use the proceeds derived from such sale in the manner and for the purposes hereinafter provided. A duly certified copy of such order shall, within a period of 10 days after the entering thereof, be personally served on such owner or shall be sent by registered mail to his last known place of address. Following the entering of such order aforesaid, the owner shall have a period of 60 days in which to redeem the right or interest in and to such spaces by paying the costs incurred in the proceeding, not exceeding $15.00, and by complying with the rules and regulations provided for the care and maintenance thereof, or by making provision for such compliance. If it shall be made to appear to the court at any time before the expiration of such 60 day period that the owner has so redeemed the right or interest, an order shall be made and entered, setting aside the previous order of termination and forteiture.

History: 1931, Act 46, Eff. Sept. 18, 1931;—Am. 1933, Act 72, Imd. Eff. May 5, 1933;—Am. 1935, Act 18, Eff. Sept. 21, 1935;—Am. 1937, Act 150, Imd. Eff. July 2, 1937;—Am. 1939, Act 257, Imd. Eff. June 15, 1939;—Am. 1941, Act 187, Imd. Eff. June 16, 1941;—CL 1948, 128.13;—Am. 1949, Act 107, Imd. Eff. May 17, 1949.

128.14 Duty of board.

Sec. 4. It shall be the duty of the cemetery board to keep an accurate account of all expenses incurred by it under the provision of this act and shall charge such expenses against the burial spaces involved. If, at the expiration of 60 days from and after the entering of the order of termination and forfeiture hereinbefore provided for, the owner shall not have redeemed his right or interest, the board is authorized and empowered to maintain and care for the burial space or spaces involved and shall keep an accurate and detailed account of all money expended for such purpose.

History: 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.14.

128.15 Reconveyance; perpetual care trust fund.

Sec. 5. At any time during the period of 2 years from and after the entering of the order of termination and forfeiture, the owner of any burial space or spaces shall be entitled to a reconveyance to him by the cemetery board on the payment of the costs and expenses incurred in said proceeding, not exceeding 15 dollars, in the care and maintenance of such space or spaces. If such reconveyance is not sought and obtained during said 2 year period, then and thereupon the cemetery board shall be authorized and empowered to offer such spaces for sale in accordance with the rules and regulations of said board governing the sale of lots and spaces in the cemetery concerned. The proceeds derived therefrom shall be used to defray the expenses incurred in accordance with the provisions of this act and the balance, if any, shall be placed in a fund to be known as the "Perpetual care trust fund" of the cemetery. The income therefrom shall be used by the board for the future maintenance, care and upkeep of the cemetery.

History: 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.15.

128.16 Rights not forfeited; conditions.

Sec. 6. Nothing in this act contained shall be construed to authorize the forfeiture or termination of rights or interest in and to any burial space that has been used for interment nor shall any such space be subject to resale under the provisions hereof.

History: 1931, Act 46, Eff. Sept. 18, 1931;—CL 1948, 128.16.

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CITY OF BIRMINGHAM
GREENWOOD CEMETERY OPERATIONAL PROCEDURES, CONDITIONS AND REGULATIONS

DEFINITIONS:

The following words and phrases, when used, the following sections shall, for the purposes of these sections, have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning.

a. "Cemetery" shall mean Greenwood Cemetery.

b. "Superintendent" shall mean the City Manager or his designee.

C. "Marker" shall mean a stone or object denoting the location of a grave and which does not exceed eighteen (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.

d. "Monument" shall denote a memorial stone or object of a size in excess of that of a marker.

e. "Permanent outside container" shall be a container which encloses a casket. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.

f. "Department" shall mean the Department of Public Services.

CONDUCT OF PERSONS

Every person entering the cemetery shall be responsible for any damage caused by such person while within the cemetery. No person under eighteen years of age shall enter the cemetery grounds unless accompanied by an adult responsible for his conduct, or unless permission has been granted by the Superintendent.

No person shall:

a. Enter the cemetery except through an established gate, and only during the hours from 8:00 A.M. to sundown.

b. Deposit or leave rubbish and debris on any part of the cemetery grounds.

c. Pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except in the work of maintenance by City employees.

d. Break, injure, remove, or deface any monument or marker on the cemetery grounds.

e. Bring any dog or animal into the cemetery grounds, except by permission of the Superintendent.

f. Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.

g. Carry any refreshments or intoxicants into the cemetery grounds, or consume such while in the cemetery.

h. Use any form of advertising on cemetery grounds.

i. Conduct her/himself in any other than a quiet and respectful manner while on the cemetery grounds.

TRAFFIC REGULATIONS

All traffic laws of the City of Birmingham that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Every person driving a vehicle into the cemetery shall be responsible for any damage caused by such vehicle.

No person shall:

a. Drive a vehicle within the cemetery at a speed in excess of ten (10) miles per hour.

b. Drive or park a vehicle on other than established driveways except for the purpose of maintenance or construction.

c. Turn a vehicle around within the cemetery except by following established driveways.

d. Use a cemetery driveway as a public thoroughfare.

MAINTENANCE AND PERPETUAL CARE

The City shall be responsible for the maintenance and repair of the driveways, buildings, water system and fences. The City shall also cut and maintain the grass areas, rake the leaves, trim and remove trees and shrubs, apply fertilizer as necessary, and in general maintain the cemetery as a place of natural beauty devoted to the burial of the dead.

The City shall not be responsible for any special care of any particular section, lot or burial space or for the maintenance or repair of any monument, marker or planting placed by the owner. The City shall not contract or agree to give special care to any section, lot or burial space except as above provided.

MONUMENTS, GRAVE MARKERS AND FOUNDATIONS FOR SAME

Monuments will be permitted only on lots having 90 or more square feet of area under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments and markers shall be subject to the following conditions:

a. Each monument or marker shall be supported on a concrete foundation not smaller than the base of the monument or marker it supports and not less than forty-two (42) inches deep below the ground surface. Such foundation shall be constructed only by the City after payment therefore has been made. Foundations will be poured April to November, weather dependent, as determined by the Superintendent. Requests received after November 1st will be held until conditions allow for installation.

b. Markers shall not exceed 1 ½ feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.

c. Designs for monuments or markers must be submitted to the Superintendent or to a person designated by him to act in his stead, when application is made for construction of foundations.

d. No monument or marker of artificial stone, sandstone, limestone, or soapstone will be permitted.

f. All contractors and workmen engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments or markers shall be started that cannot be completed by the end of the day following the start of such work.

FLUSH MEMORIAL SECTION - F-NORTH ONLY

a. No, structures shall be placed or constructed by anyone other than employees of the Department of Public Services in the area of Greenwood Cemetery designated as the "Flush Memorial Section".

b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.

FUNERALS AND INTERMENTS

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

Department personnel will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vault or casket. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

In all full burial interments, the casket shall be enclosed in a permanent outside container and shall be installed by the funeral director or vault company.

In all interments of cremated remains, the container shall be installed by the funeral director or vault company. The size of the container must be submitted with the request for burial.

All funerals within the cemetery shall be under the supervision of the Department. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The Department must be notified through the City Clerk, of the time and exact location of proposed interments in time to allow not less than ten (10) hours of daylight to prepare the grave. If notification occurs less than 10 hours of daylight prior to burial, overtime charges will apply.

Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee.

When it is necessary to prepare for an interment or disinterment (location, opening and/or closing), an overtime charge will apply. This fee is in addition

to the normal interment or disinterment fee charged during regular working hours.

Interments of the remains of any persons other than the owner or an immediate member of his family will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the Superintendent to be proper under the circumstances. Up to two cremated remains may be placed in the same space if the owner of the grave space or his heirs purchase the right to such inurnments. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than 24 x 12 x 4 inches and installed at lawn level. Up to three (3) cremated remains (only) may be placed on a single grave space.

DISINTERMENT

Disinterment of a full burial shall not be made without first obtaining a permit for the removal from the local health officer of Oakland County. Such request for removal is to be made upon such forms as may be provided, and shall include such information as may be required, by the local health officer.

SCHEDULE OF FEES AND CHARGES

Fees and other charges are as set forth in the City Code.

Adopted by the Birmingham City Commission October 18, 1971 Resolution No. 1434-71.

REVISION

Adopted by the Birmingham City Commission February 13, 1984 Resolution No. 02-97-84.

Adopted by the Birmingham City Commission February 23, 2009 Resolution No. 02-52-09.

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

City of Birmingham
A Walkable Community

BIRMINGHAM CITY COMMISSION
REGULAR MEETING, OCTOBER 21, 2013
RESOLUTION # 10-297-13

Present: Mayor Dilgard, Commissioners Hoff, McDaniel, Moore, Nickita, Rinschler, and Sherman
Absent: None

MOTION: Motion by McDaniel, seconded by Hoff:
Whereas, Greenwood Cemetery was established in 1825 on land donated by Dr. Ziba Swan; and

Whereas, Martha Baldwin organized the Greenwood Cemetery Association in 1885 after the cemetery had fallen into disrepair; and

Whereas, Martha Baldwin left $1,000 for the Cemetery Perpetual Care Fund upon her death in 1913, and

Whereas, the City of Birmingham took over the operation of Greenwood Cemetery in 1946 after the cemetery had fallen into disrepair once again; and

Whereas, Section 34-26 of the City Code places the care, maintenance and operation of Greenwood Cemetery under the supervision and control of the city manager; and

Whereas, Section 34-27 of the City Code places the sale of the lots in Greenwood Cemetery, and the issuance of burial and other permits pertaining to the use of lots in the cemetery under the control and supervision of the city clerk; and

Whereas, Section 34-28 of the City Code gives the city manager the power and authority to adopt such rules and regulations for the control of Greenwood Cemetery, for the conduct of persons therein, and governing the charges for lots, burial spaces and services, as he may deem necessary; and

Whereas, the City Commission wishes to establish a committee to advise the City Commission, City Manager, and City Clerk regarding the administration, maintenance, operation, preservation, and strategic planning for future development of Greenwood Cemetery; and

Therefore, be it resolved that the City of Birmingham establishes an advisory committee to be known as the "Greenwood Cemetery Advisory Committee" to balance the interest of those interred in Greenwood Cemetery and their surviving family members, those who wish to be interred in Greenwood Cemetery, those who will pay for the regular care and maintenance of the cemetery in perpetuity, and those who wish to preserve Greenwood as a historic site.

Duties: Considering the past, present and future operations of the Cemetery, the Committee shall be charged with the following duties:

1. Prepare recommendations regarding whether or not to proceed with the reclamation of abandoned burial spaces within the existing cemetery and, if so, the best method for doing so.

2. Prepare recommendations regarding whether or not to plan for the development of new burial spaces within the existing cemetery and, if so, the best method for doing so.

3. Prepare recommendations regarding whether or not to plan for the expansion of the existing cemetery and, if so, the best method for doing so.
4. Prepare recommendations regarding whether or not to establish an endowment care fund to provide regular care and maintenance of the cemetery in perpetuity and, if so, the best method for doing so.

5. Prepare recommendations regarding the need for a standing cemetery advisory committee and, if so, the duties the committee shall be charged with.

6. Solicit and receive public input on those recommendations.

7. Finalize and present recommendations to the City Commission by June 30, 2014.

Composition: The Committee shall be composed of the following:

1. Four members of the general public
2. One Historic District Commission member appointed by the Historic District Commission
3. One Museum Board member appointed by the Museum Board
4. One member of the Friends of the Birmingham Historical Museum & Park appointed by the Board of Directors of the Friends

At least one member shall be a surviving family member of an individual interred in Greenwood Cemetery. At least one member shall own a grave and intend to be interred in Greenwood Cemetery (this member may also be a surviving family member of an individual interred in the cemetery). At least one member shall not own a grave in Greenwood Cemetery (this member may be on the interest list). At least one member may be a licensed funeral director.

The City Manager, City Clerk, Director of Public Services, cemetery contractors and subcontractors may be present at all Committee meetings, take part in all discussions but shall have no vote.

Terms of office: The Committee's term and the term of each member shall run until December 31, 2014 at which time this Resolution shall sunset and be of no further force or effect unless the City Commission resolves to continue the Committee's term.

Compensation: The Committee shall serve without compensation.

Meetings: The Committee shall not be a "public body" as defined by the Open Meetings Act (Act 267 of 1976). However, all Committee meetings shall be open to the public and held in accordance with the Open Meetings Act.

Minutes: The Committee shall not be a "public body" as defined by the Open Meetings Act (Act 267 of 1976). However, the Committee shall keep minutes of each meeting in accordance with the Open Meetings Act.

Records: The Committee shall not be a "public body" as defined by the Freedom of Information Act (Public Act 442 of 1976). However, all Committee records shall be accessible to the public in accordance with the Freedom of Information Act.

Quorum: A majority of the Committee shall constitute a quorum. The Committee shall adopt all recommendations by resolution.

Organization: The Committee shall elect one of its members as chairperson and any other officers that it shall deem necessary.

Rules of procedure: The Committee shall adopt rules of order and procedure consistent with the provisions of this resolution.

Removal of members from office and filling vacancies: Members of the Committee may be removed from office by the appointing authority for inefficiency, neglect of duty or misfeasance or malfeasance after public hearing. Vacancies on the Committee shall be filled for the unexpired term by appointment from the appointing authority.

Relation to administrative branch: The Committee shall deal with the administrative branch of the City government solely through the City Manager and neither the Committee nor any member thereof shall give any order or direction either publicly or privately to any of the subordinates of the City Commission or City Manager. The City Manager is authorized to provide assistance to the Committee without further City Commission approval.

Expenses/Contract: The Committee shall not have any authority to authorize expenditures or otherwise obligate the City or incur expenses and/or approve contracts. Any expenditure shall be requested by resolution to the City Commission for consideration.

VOTE: Yeas, 7
Nays, None
Absent, None

I, Laura M. Pierce, City Clerk of the City of Birmingham, do hereby certify that the above is a true and correct copy of a resolution adopted by the Birmingham City Commission at their regular meeting of October 21, 2013.

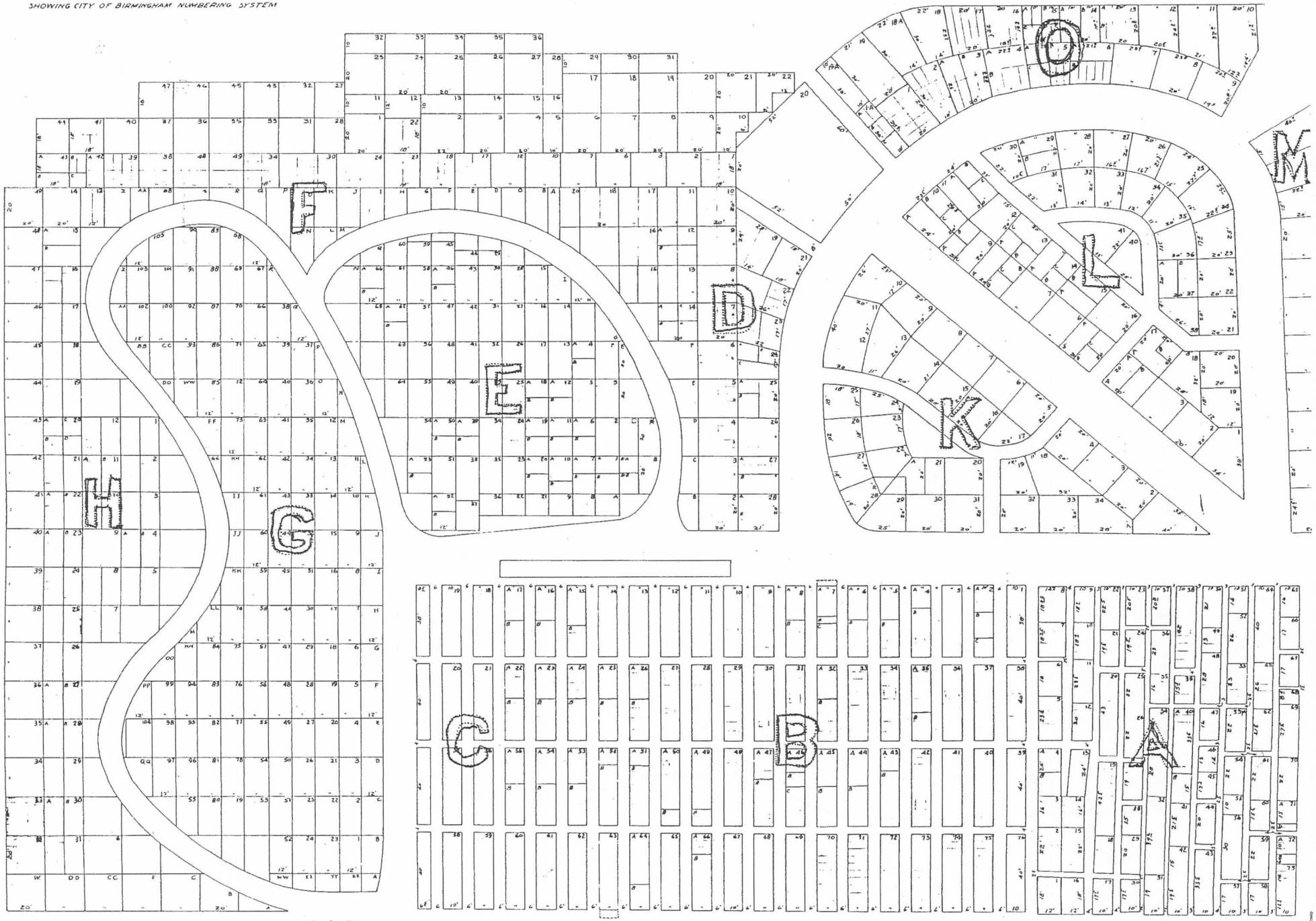
Laura M Pierce

Laura M. Pierce
City Clerk

GREENWOOD CEMETERY

SHOWING CITY OF BIRMINGHAM NUMBERING SYSTEM

N



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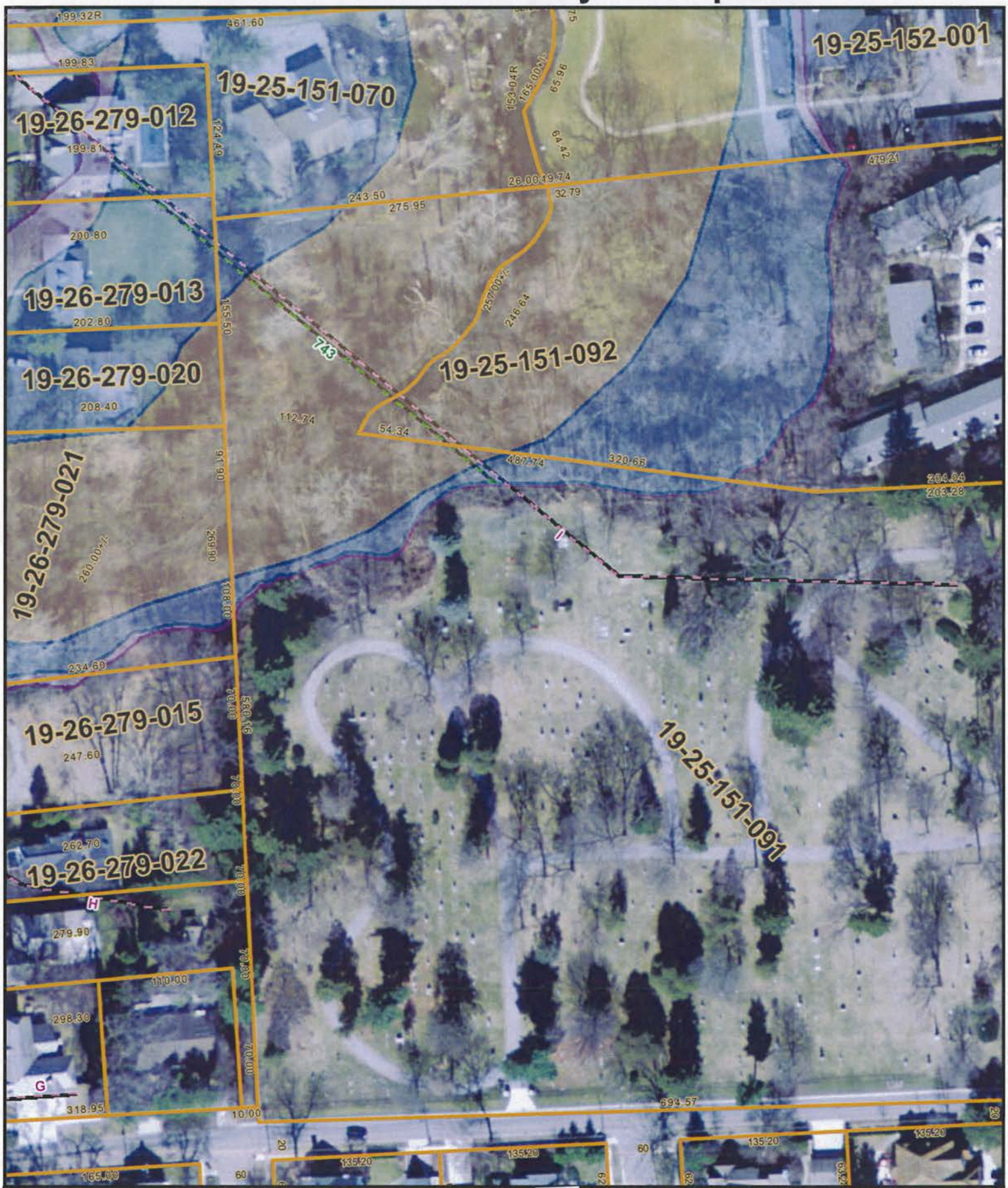
M-CC

Greenwood Cemetery Floodplain



2 Foot Contours
5 Foot Contours
FEMA Base Flood Elevations
FEMA Cross Sections
100 yr - FEMA Floodplain
100 yr (detailed) - FEMA Floodplain
500 yr - FEMA Floodplain
FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith [illegible] en compiled from recorded deeds, plats, tax maps, surveys and other public [illegible] It is not a legally recorded map or survey and is not intended to be used [illegible] Users should consult the information sources mentioned above when quest[illegible]. FEMA Flooplain data may not always be present on the map.

OAKLAND COUNTY MICHIGAN
Economic Development & Community Affairs
L. Brooks Patterson
Oakland County Executive

Date Created: 2/24/2014
NORTH
1 inch = 100 feet

Oakland County One Stop Shop 2100 Pontiac Lake Road Bldg. 41 West Waterford, MI 48328 Phone: 248-858-0721 Web: www.advantageoakland.com

International Cemetery, Cremation and Funeral Association (ICCFA)

Model Guidelines for State Laws and Regulations

These guidelines are advisory in nature and set out general concepts rather than precise statutory language. The ICCFA is not recommending that the guidelines be codified into law as a whole. Instead, the guidelines are intended for consideration as a series of options to be selectively chosen by interested parties to address particular concerns.

Endowment Care Trust Funds

Developed in 1998 by the Government and Legal Affairs Task Force of the International Cemetery and Funeral Association

BACKGROUND

A cemetery endowment care trust fund is designed to ensure that income will always be available for the continued maintenance and upkeep of the cemetery, even when all the interment spaces are sold. The cemetery authority should not be permitted to withdraw the principal of the endowment care trust fund, but receives the income earned by the principal to offset maintenance expenses.

These endowment care trust funds often have two components: general care and special care. The income from the general care portion of the endowment care trust fund is used to maintain the entire cemetery based on priorities set by the cemetery authority. Special care is supplemental to or in excess of endowment care, and in accordance with the specific directions of any donor of funds for such purposes, might include care of a specific interment space, care of plantings in a designated area, maintenance of memorials, flower placements, and so on.

Determining an "adequate" level of maintenance for any cemetery is quite subjective. Because each cemetery is unique and has maintenance needs which vary over time, it is impractical to set general standards for maintenance. There are many variables that can contribute to changing maintenance needs of a cemetery, so each cemetery authority should have flexibility in setting priorities for expenditures.

It is common for a cemetery authority to subsidize maintenance costs from current income until the cemetery has sold most of its interment spaces. Because sales taper off, rather than ending abruptly, a cemetery can be "sold out" from a practical standpoint although it still has some interment spaces remaining to sell. When a cemetery is no longer active, its administrative and service costs will be lower, thereby reducing the operating expenses necessary to maintain the cemetery.

The cemetery authority of an endowment care cemetery should adopt a written policy which covers the investment philosophy, goals, responsibilities, and strategy for the way in which the endowment care trust funds are to be managed and invested.

The imposition of unreasonable investment restrictions may not provide adequate protection of purchasing power of the endowment care trust fund.

The trustee's duties and responsibilities concerning an endowment care trust fund should be detailed in the trust instrument. The investment management of assets held in the trust should be governed by the "Prudent Investor Rule," under the "Uniform Prudent Investor Act," which was developed by the National Conference of Commissioners on Uniform State Laws, to set general standards for trustees; to allow trustees flexibility in choosing investments; to specify that their work is to be judged on the basis of the performance of all their investments; and to allow them to delegate investment decisions.

PRINCIPLES

1. Income from the endowment care trust fund may be used for any administration and upkeep of the cemetery including, but not limited to, maintenance, repair, and replacement of landscaped areas, memorials, roads, walkways, walls, irrigation systems, buildings, and related overhead. It is the responsibility of the cemetery authority to determine the priorities for spending income from the endowment care trust fund.

2. Although a cemetery authority may subsidize the cost of maintaining the cemetery from current income, it should have no obligation to provide more care and maintenance than may be provided by the income from the endowment care trust fund.

3. Each cemetery authority should determine the proper level of funding for the endowment care trust fund to produce the income necessary for providing an adequate level of maintenance for that cemetery. There should be a statutory minimum established for the endowment care trust fund contribution. Special care contributions should be fully trusted at the amount received for that purpose.

4. The cemetery authority may be allowed to require contributions from memorial buyers to the endowment care trust fund, the income of which should be used for memorial care. These contributions should be assessed in a uniform and non-discriminatory manner regardless of which entity sells or installs the memorial.

5. Only the income of the endowment care trust fund should be paid toward the care of the cemetery. Income such as dividends, interest, and rents, as well as a portion of the capital gains, may be distributed after the deduction of expenses. All costs incurred with respect to the operation of the endowment care trust fund should be paid from the endowment care trust fund including, but not limited to, trustee fees, investment advisory fees, income taxes, administration, accounting, audit, regulatory fees, and surety bonds.

6. A cemetery authority investing the endowment care trust fund in equities may set aside a portion of the capital gains as a reserve for investment losses and a reserve for future maintenance, repair, or restoration of the cemetery or embellishments in the cemetery. The reserve for maintenance should not exceed a specified percentage of the total endowment care trust fund. The cemetery may withdraw funds from the maintenance

reserve as needed for the care of the cemetery.

7. A cemetery authority, or person designated by the cemetery authority, should be responsible for the performance of care and maintenance of the cemetery it owns and for services relating to the opening and closing of any interment space located in the cemetery.

8. Endowment care trust funds should be subject to an annual filing requirement. The cemetery authority should report to the regulatory authority amounts collected during the year, investments, income and expenses, and amounts paid to the cemetery authority for endowment care. Penalties should be imposed on the cemetery authority for failure to file in a timely manner.

9. Verification of the activities of the endowment care trust fund should be performed through periodic examination by the regulatory authority or the cemetery authority could submit an independent auditor's opinion.

10. Upon transfer of ownership of a cemetery, the selling party should certify that amounts allocated for the endowment care trust fund have been collected and deposited as required in the endowment care trust fund. If a deficiency is reported, the buying party should develop a plan for corrective action. The buying party should have no liability for endowment care trust fund shortages in reliance upon the selling party's certification of past compliance. Accordingly, the selling party should retain liability for any deficiencies in the endowment care trust fund that occurred during its period of ownership.

11. The cemetery authority should be allowed to adopt rules and regulations for the care and maintenance of the cemetery.

12. The "Prudent Investor Rule" should be adopted to govern how endowment care trust funds should be managed and invested.

13. The trustee, designated by the cemetery authority, should be a person, state or national bank, trust company, or federally insured savings and loan association, authorized to transact business in the state. The cemetery authority should have the ability to change the trustee.

14. The trustee should have the authority to commingle individual endowment care trust fund accounts into a master trust, maintaining separate records of corresponding allocations and divisions of assets, liabilities, income, and expenses.

15. An endowment care trust fund should not be invested in assets that are owned by the cemetery authority, nor in assets that are owned, directly or indirectly, by any directors, officers, employees, or relatives having beneficial interest in the cemetery authority.

INVESTMENT OF SURPLUS FUNDS OF POLITICAL SUBDIVISIONS
Act 20 of 1943

AN ACT relative to the investment of funds of public corporations of the state; and to validate certain investments.

History: 1943, Act 20, Imd. Eff. Mar. 13, 1943;—Am. 1988, Act 285, Imd. Eff. Aug. 1, 1988;—Am. 1997, Act 196, Imd. Eff. Dec. 30, 1997.

The People of the State of Michigan enact:

129.91 Investment of funds of public corporation; eligible depository; secured deposits; funds limitation on acceptable assets; pooling or coordinating funds; written agreements; investment in certificate of deposit; conditions; "financial institution" defined; additional definitions.

Sec. 1. (1) Except as provided in section 5, the governing body by resolution may authorize its investment officer to invest the funds of that public corporation in 1 or more of the following:

(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

(b) Certificates of deposit, savings accounts, or depository receipts of a financial institution, but only if the financial institution complies with subsection (2); certificates of deposit obtained through a financial institution as provided in subsection (5); or deposit accounts of a financial institution as provided in subsection (6).

(c) Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.

(d) Repurchase agreements consisting of instruments listed in subdivision (a).

(e) Bankers' acceptances of United States banks.

(f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.

(g) Mutual funds registered under the investment company act of 1940, 15 USC 80a-1 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of any of the following:

(*i*) The purchase of securities on a when-issued or delayed delivery basis.

(*ii*) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.

(*iii*) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.

(h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(i) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118.

(j) The investment pools organized under the local government investment pool act, 1985 PA 121, MCL 129.141 to 129.150.

(2) Except as provided in subsection (5), a public corporation that invests its funds under subsection (1) shall not deposit or invest the funds in a financial institution that is not eligible to be a depository of funds belonging to this state under a law or rule of this state or the United States.

(3) Assets acceptable for pledging to secure deposits of public funds are limited to assets authorized for direct investment under subsection (1).

(4) The governing body by resolution may authorize its investment officer to enter into written agreements with other public corporations to pool or coordinate the funds to be invested under this section with the funds of other public corporations. Agreements allowed under this subsection shall include all of the following:

(a) The types of investments permitted to be purchased with pooled funds.

(b) The rights of members of the pool to withdraw funds from the pooled investments without penalty.

(c) The duration of the agreement and the requirement that the agreement shall not commence until at least 60 days after the public corporations entering the agreement give written notice to an existing local government investment pool which is organized under the local government investment pool act, 1985 PA 121, MCL 129.141 to 129.150, in those counties where such a pool is operating and accepting deposits on or before September 29, 2006.

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(d) The method by which the pool will be administered.

(e) The manner by which the public corporations will respond to liabilities incurred in conjunction with the administration of the pool.

(f) The manner in which strict accountability for all funds will be provided for, including an annual statement of all receipts and disbursements.

(g) The manner by which the public corporations will adhere to the requirements of section 5.

(5) In addition to the investments authorized under subsection (1), the governing body by resolution may authorize its investment officer to invest the funds of the public corporation in certificates of deposit in accordance with all of the following conditions:

(a) The funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(b) The financial institution arranges for the investment of the funds in certificates of deposit in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the public corporation.

(c) The full amount of the principal and any accrued interest of each certificate of deposit is insured by an agency of the United States.

(d) The financial institution acts as custodian for the public corporation with respect to each certificate of deposit.

(e) At the same time that the funds of the public corporation are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially invested by the public corporation through the financial institution.

(6) In addition to the investments authorized under subsection (1), the governing body by resolution may authorize its investment officer to invest the funds of the public corporation in deposit accounts that meet all of the following conditions:

(a) The funds are initially deposited in a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(b) The financial institution arranges for the deposit of the funds in deposit accounts in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the public corporation.

(c) The full amount of the principal and any accrued interest of each deposit account is insured by an agency of the United States.

(d) The financial institution acts as custodian for the public corporation with respect to each deposit account.

(e) On the same date that the funds of the public corporation are deposited under subdivision (b), the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially deposited by the public corporation in the financial institution.

(7) A public corporation that initially invests its funds through a financial institution that maintains an office located in this state may invest the funds in certificates of deposit as provided under subsection (5).

(8) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

(9) As used in this act:

(a) "Governing body" means the legislative body, council, commission, board, or other body having legislative powers of a public corporation.

(b) "Funds" means the money of a public corporation, the investment of which is not otherwise subject to a public act of this state or bond authorizing ordinance or resolution of a public corporation that permits investment in fewer than all of the investment options listed in subsection (1) or imposes 1 or more conditions upon an investment in an option listed in subsection (1).

(c) "Investment officer" means the treasurer or other person designated by statute or charter of a public corporation to act as the investment officer. In the absence of a statutory or charter designation, the governing body of a public corporation shall designate the investment officer.

(d) "Public corporation" means a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of this state, or a board, commission, or another authority or agency created by or under an act of the legislature of this state.

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History: 1943, Act 20, Imd. Eff. Mar. 13, 1943;—CL 1948, 129.91;—Am. 1964, Act 126, Eff. Aug. 28, 1964;—Am. 1977, Act 66, Imd. Eff. July 20, 1977;—Am. 1978, Act 500, Imd. Eff. Dec. 11, 1978;—Am. 1979, Act 79, Imd. Eff. Aug. 1, 1979;—Am. 1982, Act 217, Imd. Eff. July 8, 1982;—Am. 1988, Act 239, Imd. Eff. July 11, 1988;—Am. 1997, Act 44, Imd. Eff. June 30, 1997;—Am. 1997, Act 196, Imd. Eff. Dec. 30, 1997;—Am. 2006, Act 400, Imd. Eff. Sept. 29, 2006;—Am. 2008, Act 308, Imd. Eff. Dec. 18, 2008;—Am. 2009, Act 21, Imd. Eff. May 5, 2009;—Am. 2012, Act 152, Imd. Eff. May 30, 2012.

129.92 Repealed. 1997, Act 196, Imd. Eff. Dec. 30, 1997.

Compiler's note: The repealed section pertained to investment of sinking funds and insurance moneys by school districts.

129.93 Existing investments ratified and validated.

Sec. 3. Investments made before the effective date of the amendatory act that repealed section 2 of the surplus funds, sinking funds, or insurance funds of a political subdivision of this state in bonds and other obligations of the United States or its instrumentalities or certificates of deposit or depository receipts of a bank that is a member of the federal deposit insurance corporation as provided under section 1 and former section 2 of this act are hereby ratified and validated.

History: 1943, Act 20, Imd. Eff. Mar. 13, 1943;—CL 1948, 129.93;—Am. 1964, Act 126, Eff. Aug. 28, 1964;—Am. 1997, Act 196, Imd. Eff. Dec. 30, 1997.

129.94 Funds accumulated under eligible deferred compensation plan; deposit; investment; existing investments ratified and validated.

Sec. 4. (1) As used in this section:

(a) "Eligible deferred compensation plan" means a deferred compensation plan established and maintained by a governing body, which plan meets the requirements of section 457 of the internal revenue code.

(b) "Financial institution" means a state or nationally chartered bank, a state or federally chartered savings bank, a state or federally chartered savings and loan association, or a state or federally chartered credit union, which financial institution is insured by an agency or instrumentality of the federal government.

(c) "Governing body" means the legislative or governing body of a county, city, village, township, or special assessment district, or an agency, board, or commission of a county, city, village, or township.

(2) The governing body, by resolution, may authorize its treasurer or chief fiscal officer to deposit funds received under an eligible deferred compensation plan in a financial institution authorized by law to do business in this state or with an authorized deferred compensation agent appointed by the governing body. Notwithstanding any other provision of this act, the treasurer or chief fiscal officer, as authorized by resolution of the governing body, may place funds accumulated under an eligible deferred compensation plan with a financial institution authorized to do business in this state, a state or federally licensed investment company or insurance company authorized to do business in this state, or trust established by public employers for the commingled investment of the amounts held under deferred compensation and retirement plans, which funds shall be invested by the financial institution, insurance company, investment company, or trust as directed by the governing body. The investment of eligible deferred compensation plan funds shall be in the manner and for the purposes described in section 457 of the internal revenue code.

(3) The investment of funds accumulated under an eligible deferred compensation plan of a governing body prior to the effective date of the amendatory act that added this section, which investments otherwise meet the requirements of this section, are ratified and validated.

History: Add. 1988, Act 285, Imd. Eff. Aug. 1, 1988.

129.95 Investment policy; adoption by governing body.

Sec. 5. (1) Not more than 180 days after the end of a public corporation's first fiscal year that ends after the effective date of the amendatory act that repealed section 2, a governing body, in consultation with the investment officer, shall adopt an investment policy that, at a minimum, includes all of the following:

(a) A statement of the purpose, scope, and objectives of the policy, including safety, diversification, liquidity, and return on investment.

(b) A delegation of authority to make investments.

(c) A list of authorized investment instruments. If the policy authorizes an investment in mutual funds, it shall indicate whether the authorization is limited to securities whose intention is to maintain a net asset value of $1.00 per share or also includes securities whose net asset value per share may fluctuate on a periodic basis.

(d) A statement concerning safekeeping, custody, and prudence.

(2) A governing body that as of the effective date of the amendatory act that repealed section 2 has adopted an investment policy that substantially complies with the minimum requirements under subsection (1) is not in violation of this section as long as that policy remains in effect.

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History: Add. 1997, Act 196, Imd. Eff. Dec. 30, 1997.

129.96 Execution of order to purchase or trade funds of public corporation; providing copy of investment policy; public corporation subject to subsection (1); report.

Sec. 6. (1) Subject to subsection (2), before executing an order to purchase or trade the funds of a public corporation, a financial intermediary, broker, or dealer shall be provided with a copy of the public corporation's investment policy and shall do both of the following:

(a) Acknowledge receipt of the investment policy.

(b) Agree to comply with the terms of the investment policy regarding the buying or selling of securities.

(2) A public corporation is subject to subsection (1) beginning on the date that the investment policy of a public corporation takes effect or 180 days after the end of the public corporation's first fiscal year ending after the effective date of the amendatory act that repealed section 2, whichever is earlier.

(3) The investment officer shall provide quarterly a written report to the governing body concerning the investment of the funds.

History: Add. 1997, Act 196, Imd. Eff. Dec. 30, 1997;—Am. 2007, Act 213, Imd. Eff. Dec. 27, 2007.

129.97 Long-term or perpetual trust fund; investment of assets; resolution authorizing investment officer same authority as investment fiduciary under MCL 38.1132 to 38.1140m; conditions.

Sec. 7. Notwithstanding any law or charter provision to the contrary, if a public corporation has a long-term or perpetual trust fund consisting of money and royalties or money derived from oil and gas exploration on property or mineral rights owned by the public corporation, the governing body of the public corporation may by resolution provide its investment officer with the same authority to invest the assets of the long-term or perpetual trust fund as is granted an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140m.

History: Add. 2008, Act 220, Imd. Eff. July 16, 2008.

129.97a Investment of assets of special revenue fund by investment officer; resolution granting authority; annual special revenue fund report.

Sec. 7a. (1) Notwithstanding any law or charter to the contrary, if a public corporation has a special revenue fund consisting of payments for park operations and maintenance, the governing body of the public corporation may by resolution provide its investment officer with the same authority to invest the assets of the special revenue fund as is granted an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140m.

(2) The investment officer shall prepare and issue an annual special revenue fund report. The investment officer shall make the annual special revenue fund report available to the citizens of the public corporation. The annual special revenue fund report shall include all of the following:

(a) The name of the special revenue fund.

(b) The special revenue fund's investment fiduciaries.

(c) The special revenue fund's assets and liabilities.

(d) The special revenue fund's funded ratio.

(e) The special revenue fund's investment performance.

(f) The special revenue fund's expenses.

History: Add. 2008, Act 404, Imd. Eff. Jan. 6, 2009.

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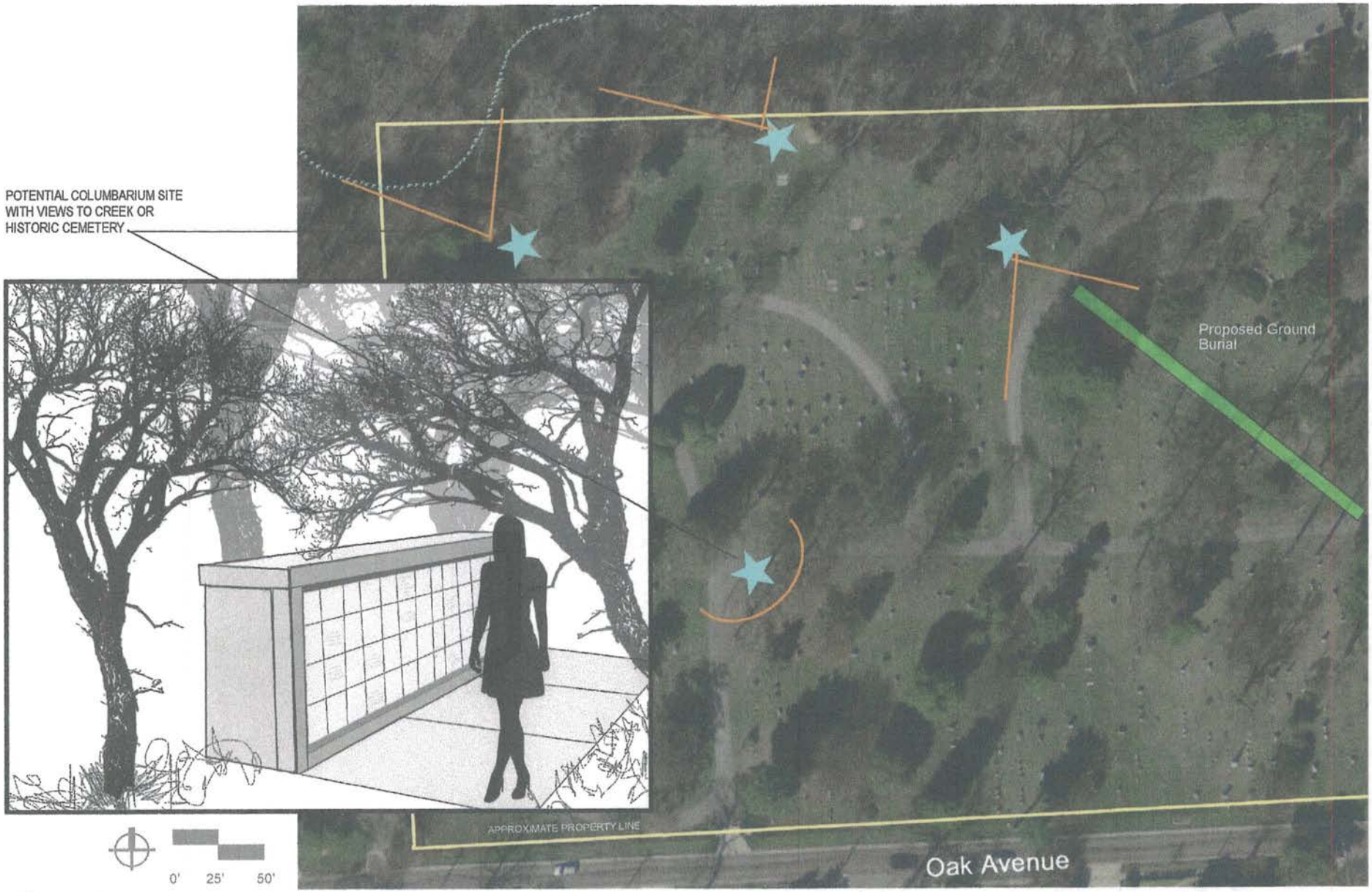

Mannik Smith GROUP

Greenwood Cemetery

Columbarium Conc

SAUGATUCK TOWNSHIP BOARD

RESOLUTION NO. 2009-02

RESOLUTION TO RECLAIM AND FORFEIT NEGLECTED CEMETERY BURIAI SPACE WITHIN RIVERSIDE AND DOUGLAS CEMETERIES

WHEREAS, pursuant to Chapter 12 of the Township Code of Ordinances (Cemetery Ordinance), and MCL 128.11 et seq., the Saugatuck Township Board (Township) is responsibl for the public cemeteries, commonly referred to as Riverside and Douglas Cemeteries, in the Township of Saugatuck, County of Allegan, State of Michigan; and

WHEREAS, under the provisions of MCL 128.11 et seq., the Township is authorized t determine that owners of cemetery certificates for interment rights and interests for burial spac in above mentioned cemeteries have failed or neglected for a period of seven (7) years or more care for and maintain such spaces in accordance with the rules and regulations relating thereto; and may institute proceedings for the termination and forfeiture of the certificate owner's right and interests for burial spaces in both cemeteries; and

WHEREAS, the Township recognizes that all rights and interests of the named burial spaces of the named certificates of the attached document "Exhibit A" for Riverside and Douglas Cemeteries are subject to termination and forfeiture pursuant to MCL 128.11 et seq.; and

WHEREAS, the owners of certificates of rights and interests of the burial spaces name in "Exhibit A" have had no recorded interment(s), correspondence, or transfer(s) as defined by the Cemetery Ordinance for at least 50 years from the dated signature of this resolution; and

WHEREAS, the Township, acting as a Cemetery Board under the authority of MCL 128.11 et seq., has determined the owner(s) of the rights and interests of the burial spaces of th named certificates of "Exhibit A" have failed or neglected to care for and maintain the same burial spaces of the same certificates for a period of 7 years or more in accordance with the rul and regulations relating thereto; and

THEREFORE BE IT RESOLVED, the Township acting as a Cemetery Board has made the abovementioned determination and is instituting proceedings for the termination and forfeiture of rights and interests of the named burial spaces of the named cemetery certificates "Exhibit A" of the Riverside and Douglas Cemeteries; and

A certified copy of this resolution shall be served to the owner(s) of the rights and interests of the named burial spaces of the named certificates of "Exhibit A" by means of publication in a generally circulated newspaper in Saugatuck Township, Allegan County, State of Michigan pursuant to MCL 128.11 et seq. and Michigan Law.

"Exhibit B"

CERTIFICATE

1. Jane Wright, the Clerk for Saugatuck Township, Allegan County, Michigan do hereby certify that Resolution #2009-02 to reclaim and forfeit neglected cemetery burial space was adopted at a regular meeting of the township board held on June 3, 2009.

   The following members of the township board were present at the meeting:

   Wright, Knikelbine, Roerig, and Hanson.

   The following members were absent:

   Wester.

   The resolution was adopted by the township board with members Wright, Knikelbine, Roerig, and Hanson voting in favor and members of the board None voting in opposition.

   The resolution declared adopted.

Jane Wright, Clerk
Saugatuck Township

ORDER FOR SUBSTITUTE SERVICE BY PUBLICATION

At a session of Court, held in the Courtroom in the Courthouse in the City of Allegan, Allegan County, Michigan, on the 27th day of July, 2009.

PRESENT: KEVIN CRONIN

The Court has reviewed Saugatuck Township's Petition and the Verified Motion for Substitute Service in this matter, the Court having considered the Petition and the Verified Motion for Substitute Service, and the court being fully advised in the premises;

The Court finds that despite diligent effort, Saugatuck Township has been unable to obtain current addresses for any and all owners of cemetery certificates of rights and interests of unused burial spaces in Riverside and Douglas Cemeteries listed on the attached "Exhibit A"; and that the best method of serving the notices required under MCL 128.11 et seq. (Act), is the publication of such notices and subsequent documents, pursuant to MCR 2.106 in the Commercial Record newspaper.

IT IS, THEREFORE, ORDERED that Saugatuck Township Board Resolution# 2009-02 (Resolution) required by the Act, in lieu of personal service or service by registered mail to the last known address, may be served by publication upon the owners of cemetery certificates for all rights and interests of the unused burial spaces for whom the Township has no current address nor any knowledge of the whereabouts listed on "Exhibit A."

IT IS FURTHER ORDERED, that all documents and notices subsequent to the proceedings instituted by the Resolution and required by the Act to be served upon the owners listed on "Exhibit A" for whom the Township have no addresses, nor any knowledge of the whereabouts, may be served by publication in the Commercial Record, being a newspaper of general circulation in the Township of Saugatuck, County of Allegan, State of Michigan.

ATTEST. A TRUE COPY
Jackie Porter
DEPUTY CLERK

KEVIN CRONIN
Hon.

STATE OF MICHIGAN)
) §
COUNTY OF ALLEGAN)

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ALLEGAN

IN THE MATTER OF CERTAIN UNUSED BURIAL SPACES IN RIVERSIDE AND DOUGLAS CEMETERIES, TOWNSHIP OF SAUGATUCK, MICHIGAN	File No. 09- 45290- CZ Hon. KEVIN CRONIN

MICHAEL P. HADDOCK (P55880)
NICHOLAS A. REISTER (P69324)
Sheridan Haddock PLLC
Attorneys for Saugatuck Township
62 Center Street, PO Box 187
Douglas, Michigan 49406
(269) 857-2119

SUPPLEMENTAL
ORDER FOR SUBSTITUTE SERVICE BY PUBLICATION

At a session of Court, held in the Courtroom in the Courthouse in the City of Allegan, Allegan County, Michigan, on the 31st day of July, 2009.

PRESENT: KEVIN CRONIN

The Court has reviewed Saugatuck Township's Petition and the Verified Motion for Substitute Service in this matter, the Court having considered the Petition and the Verified Motion for Substitute Service, and the court being fully advised in the premises;

The Court finds that despite diligent effort, Saugatuck Township has been unable to obtain current addresses for any and all owners of cemetery certificates of rights and interests of unused burial spaces in Riverside and Douglas Cemeteries listed on the attached "Exhibit A"; and that the best method of serving the notices required under MCL 128.11 et seq. (Act), is the publication of such notices and subsequent documents, pursuant to MCR 2.106 in the Commercial Record newspaper.

IT IS, THEREFORE, ORDERED that Saugatuck Township Board Resolution# 2009-02 (Resolution) required by the Act, in lieu of personal service or service by registered mail to the last known address, may be served by publication upon the owners of cemetery certificates for

all rights and interests of the unused burial spaces for whom the Township has no current address nor any knowledge of the whereabouts listed on "Exhibit A."

IT IS FURTHER ORDERED, that all documents and notices subsequent to the proceedings instituted by the Resolution and required by the Act to be served upon the owners listed on "Exhibit A" for whom the Township have no addresses, nor any knowledge of the whereabouts, may be served by publication in the Commercial Record, being a newspaper of general circulation in the Township of Saugatuck, County of Allegan, State of Michigan.

IT IS FURTHER SUPPLEMENTED AND ORDERED, that the Order for Substitute Service By Publication, Petition, Exhibits, and Notice of Hearing be posted at a minimum of five (5) locations, including at all entrances to both cemeteries and at any central cemetery building or office on the cemetery premises, and near the door of the Saugatuck Township Offices if acting as the cemetery office. Such postings shall be posted for twenty-eight (28) days.

KEVIN CRONIN

Hon. Kevin Cronin

ATTEST. A TRUE COPY

Jackie Porter

DEPUTY CLERK

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 48th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT KEVIN CRONIN	CASE NO. 09-45240 CZ

Court address 113 Chestnut Street, Allegan, MI 49010

Court telephone no. (269)673-0300

Plaintiff's name(s), address(es), and telephone no(s).		Defendant's name(s), address(es), and telephone no(s).
SAUGATUCK TOWNSHIP	v	IN THE MATTER OF CERTAIN UNUSED BURIAL SPACES IN RIVERSIDE AND DOUGLAS CEMETERIES, TOWNSHIP OF SAUGATUCK, MICHIGAN
Plaintiff's attorney, bar no., address, and telephone no. MICHAEL P. HADDOCK (P55880) NICHOLAS A. REISTER (P69324) SHERIDAN HADDOCK PLLC (269) 857-2119 62 Center St., POB 187, Douglas, MI 49406		

SUMMONS **NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
7-22-09	10-20-09	Joyce A. Watts

*This summons is invalid unless served on or before its expiration date.
This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Saugatuck Township	Saugatuck Township

Place where action arose or business conducted: Allegan County, Michigan

July 22, 2009
Date

For MPH (P69324)
Signature of attorney/plaintiff Michael P. Haddock (P55880)

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (3/08) SUMMONS AND COMPLAINT MCR 2.102(MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ALLEGAN

IN THE MATTER OF CERTAIN UNUSED BURIAL SPACES IN RIVERSIDE AND DOUGLAS CEMETERIES, TOWNSHIP OF SAUGATUCK, MICHIGAN	File No. 09- 45290 CZ Hon. KEVIN W. CRONIN

MICHAEL P. HADDOCK (P55880)
NICHOLAS A. REISTER (P69324)
Sheridan Haddock, PLLC
Attorneys for Saugatuck Township
62 Center Street, PO Box 187
Douglas, Michigan 49406
(269) 857-2119

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Saugatuck Township Board has petitioned the Circuit Court for the County of Allegan, State of Michigan, to order that all rights and interests in certain unused burial spaces of certain cemetery certificates in Riverside and Douglas cemeteries in the Township of Saugatuck, County of Allegan, State of Michigan, be determined and forfeited. Such certificates of rights and interest of burial spaces that are designated in the Petition have had no interment, transfer, or correspondence of record for more than fifty (50) years.

All named owners of the certificates of rights and interests for the named burial spaces hereafter are therefore NOTIFIED:

PLEASE TAKE NOTICE that on **Friday, the 11th day of September, 2009, at 10:00 a.m.**, the undersigned will appear in the Circuit Courtroom of the Honorable Kevin W. Cronin at the Allegan County Courthouse, 113 Chestnut Street, City of Allegan, Allegan County, Michigan and ask the Court to grant such PETITION, at which time and place you may appear and be heard.

Named owners of the certificates of rights and interests of the named burial spaces as designated on the Petition are as follows:

"EXHIBIT A"

Dated: July 27, 2009

Aaron Sheridan
Saugatuck Township Cemetery Sexton

Dated: July 27, 2009

SHERIDAN HADDOCK PLLC

Michael P. Haddock (P55880)

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ALLEGAN

IN THE MATTER OF CERTAIN UNUSED BURIAL SPACES IN RIVERSIDE AND DOUGLAS CEMETERIES, TOWNSHIP OF SAUGATUCK, MICHIGAN	File No. 09-45290 CZ Hon. Kevin Cronin

MICHAEL P. HADDOCK (P55880)
NICHOLAS A. REISTER (P69324)
Sheridan Haddock PLLC
Attorneys for Saugatuck Township
62 Center Street, PO Box 187
Douglas, Michigan 49406
(269) 857-2119

ALLEGAN COUNTY FILED SEP 11 2009 DEPUTY CLERK

ORDER

At a session of Court, held in the Courtroom in the Courthouse in the City of Allegan, Allegan County, Michigan, on the 11 day of September, 2009.

PRESENT: HON. KEVIN CRONIN

The Court has reviewed Saugatuck Township's Petition for the termination and forfeiture of the rights and interests of owners of cemetery certificates of burial spaces and the Court having heard testimony and arguments of counsel and being fully advised in the premises; the Court finds that the owner or owners of the cemetery certificates for all rights and interests of the burial spaces listed on "Exhibit A" in Riverside and Douglas Cemeteries in Saugatuck Township, County of Allegan, State of Michigan:

RECEIVED 48TH CIRCUIT COURT 2009 SEP 11 10:59 ALLEGAN

"Exhibit A"

have failed and neglected for a period of seven (7) years or more to care for and maintain such space or spaces in accordance with the laws, rules and regulations relating thereto in providing such care and maintenance; it is, therefore,

ORDERED that the rights and interests of the owners of the burial spaces listed on "Exhibit A" are hereby forfeited and terminated;

IT IS FURTHER ORDERED that a copy of this order shall be served within 10 days after entering thereof on the owners of the listed burial spaces by publication in accordance with the Order of the Court and Michigan Law.

IT IS FURTHER ORDERED that the owners of said cemetery certificates of rights and interests of burial spaces listed on "Exhibit A" shall have a period of sixty (60) days from the date hereof in which to redeem the right or interest in such cemetery certificates for such burial spaces by paying Saugatuck Township $15.00 for its costs incurred in these proceedings, and by complying with the rules and regulations providing for care and maintenance of such burial spaces or by making provisions for such compliance;

IT IS FURTHER ORDERED that, if at any time before the expiration of such sixty (60) day period, the owner has so redeemed the rights or interests, an order shall be made and entered setting aside the previous order of termination and forfeiture as to said cemetery certificates of burial spaces;

IT IS FURTHER ORDERED that Saugatuck Township shall keep an accurate account of all expenses incurred by it, in that after the expiration of sixty (60) days from the date of this Order, the owners of said cemetery certificates of rights and interests for burial spaces shall have not redeemed their rights or interest, Saugatuck Township is authorized and empowered to maintain and care for said burial spaces and shall keep an accurate and detailed account of all money expended for such purpose;

IT IS FURTHER ORDERED that, if at any time during the period of two (2) years from and after the date of the entry of this Order, the owner of any certificates of rights and interests for any burial spaces listed on "Exhibit A" shall be entitled to a reconveyance to said owner or owners by Saugatuck Township upon the payment of the costs incurred in this proceeding of $15.00, the cost of the care and maintenance of such space or spaces incurred by Saugatuck Township, and by complying with the rules and regulations provided for the maintenance of such spaces or by making provisions of such compliance.

IT IS FURTHER ORDERED that all rights of a certificate owner shall be terminated if the owner has not redeemed within two (2) years from the entry of this Order.

IT IS FURTHER ORDERED that, if such reconveyance is not sought and obtained during said two (2) year period, then Saugatuck Township shall be authorized and empowered to offer such rights and interests of burial spaces for sale, in accordance with the rules and regulations of the Saugatuck Township Cemetery Ordinance.

Hon. Kevin Cronin
Circuit Court Judge

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THIS DOCUMENT NOW ON FILE IN THIS OFFICE THIS 13th Day of March, 2014
JOYCE A. WATTS, CLERK, CIRCUIT COURT
ALLEGAN COUNTY, MICHIGAN
BY _____
DEPUTY CLERK

EXHIBIT A

RIVERSIDE CEMETERY

BLOCK	RANGE	LOT	BURIAL SPACE#	CERTIFICATE F.NAME	CERTIFICATE L.NAME
01	007	004	2	L.	ANSON
06	019	015	1,2	ALTA	ARENDS
03	014	001	1,2,3,4,5,6	JAMES H.	BANDLE
05	019	004	1	CHARLES E.	BANKS
05	017	002	2	GEORGE	BEAUMONT
05	019	008	1,3	MRS. ALVIN	BEDFORD
08	027	011	5,6	PHILLIP L.	BEHRENS
05	019	006	1	URSALA	BENDER
07	025	006	5,6	IRENE	BENSON
[illegible]	001	003	1,2	KLASS J.	BLINK
01	005	006	4,5,6	LEMUEL	BROWN
01	008	005	4	WILLIS	BRUSH
08	027	013	4,5,6	EDWIN	BULSON
04	015	009	2.3,4,5,6	A.E.	BURGESS
05	019	005	1	SUSAN	BUTLER
05	017	003	1,2,3.4,6	R. B.	CARROLL
02	006	017	4,5,6	SAMUEL	CARVER
02	002	017	1,2, 5	CIVILIAN M.	COOK
07	026	006	4,5,6	W.C.	CRAINE
06	023	012	5,6	GEORGE	CUMMINGS
06	021	010	4	CHARLES	DAVIS
08	027	017	3	MRS. ROBERT	DEMPSTER
03	015	004	1.3,4,5,6	J.W.	DICKEY
04	011	009	1,2,3,4,5,6	HARVEY	DOAN
04	010	009	3,4,5,6	GEORGE E.	DUNN
[illegible]	017	008	4	E. E.	ELDRIDGE
02	005	010	6	JAMES	ELLIOTT
01	007	007	2	MARTHA	ELLIS
01	006	004	2	SARAH A.	FORBES
05	016	007	6	JULIA	FRANCIS
06	017	019	2	DAVID	FRANCIS
03	013	002	1	MRS.	FREELAND
06	021	019	5,6	HENRY	FURBERG
6	016	012	1,2,3,4,5,6	JUDSON	GOND
06	021	013	2	F. W.	GRANT
01	005	007	6	J.	GRAVLIN
02	007	012	1,2,4,5,6	FRITZ	GREINER
08	030	015	4	MRS. EDNA	GRIEBAHN
02	008	019	5,6	MRS. PHOBE	HALL
02	005	018	1,5	H.	HALVERSON

04	013	012	2,5,6	CHARLES	HAMES
07	026	002	2,3,4	DENNIS	HAMMER
04	013	019	5,6	PHILIPP	HANCOCK
01	00F	004	4	CHESTER	HANSEN
01	006	008	3,4	H.	HANSON
08	027	017	6	MRS. THOMAS	HARRINGTON
05	017	007	1,6	MRS. JACOB	HAUB
06	017	011	5,6	CHARLES	HAYWARD
08	028	016	3	ANNA	HEINZE
02	006	016	1,3,4,5,6	MAT	HELBAH
06	020	017	2	WILLIAM H.	HENDRIXSON
02	006	018	2,4	S.A.	HEWITT
01	008	005	5,6	A.R.	HILL
01	008	002	2	HENRY	HOPKINS
[illegible]	003	014	1,4,5,6	EDWARD	HOUSE
03	009	007	1	CHARLES	JACKSON
08	028	015	2,3	NORMA BLAINE	JELEN
03	013	002	1,4,5,6	S.H.	JOHNS
02	007	009	1,3,5,6	SAMUEL	JOHNSON
08	026	015	1,4	GEBHARDT	JOHNSON
04	009	014	2,3,4,5,6		JOSLYN - RICE
02	007	011	4,6	JOHN	KENTER
04	010	018	1,2,4,5	R.F.	KLEEMAN
06	016	010	1,5,6	F	KLEEMAN
04	012	014	1,2,3	GEORGE	KNOWLTON
04	014	018	1,2,3,4,6	MARY	KOLLARD
06	020	013	3	D. T.	LAMB
03	010	006	1,3,4,5,6	CHARLES G.	LUDLOW
05	017	008	3	HERMAN	LUNDGREN
04	014	009	3,4,5,6	CHRISTIAN	M ILLER
[illegible]	020	020	1,4,5,6	W.H.	MANNING
06	023	015	1,2,5,6	WILLIAM E.	MARTIN
01	007	007	3,4	FRANK	MARTY
01	008	005	2	JOHNSON	MAYO
05	022	005	1,2,3,4	JOSEPH	MC GONAGAL
04	009	012	4,5,6	JAMES	MC MANN
08	026	011	4	C.S.	METHVEN
04	011	013	3,4,5,6	JOHN	MEYERS
06	017	010	1,3,5,6	JOHANNA	MILLER
08	025	015	1	MISS DEE	MILLS
08	026	018	1,2,3,4,5,6	R.L.	MUCKLEY
2	004	014	1,5,6	EUGENE	OWEN
01	007	006	6	C.E.	PERCIVAL
01	001	006	2,3,4,5,6	HIRAM	PERKINS
04	015	014	6	GEORGE	PHELPS

06	017	016	3,4,5	SARAH	PHELPS
05	018	007	4,5	GEORGE W.	PIERCE
06	021	011	1,4,6	ALBERT H.	PIERCE
07	028	003	5,6	BESSIE	PLAIN
05	019	009	1	J. M.	POND
01	008	006	4,6	HENRY	PORTER
06	021	013	6	ROY	RAND
06	020	010	5,6	O.C.	REED
07	025	007	1,4.5.6	CLARK S.	REED
08	028	015	6	MRS. A.F.	REHBERG
02	004	017	1,2	RICHARD	ROCHE
04	011	010	2	BESSIE	SAMUELSON
04	015	015	1,3,4,5,6	JOHN	SANDERS
08	025	019	1,2,3,4,5,6	JOHN A.	SCARLETT
[illegible]	020	007	4	ANDREW	SCHUMAN
03	00M	006	1,2,3,6	ALEXANDER Y.	SIMPSON
03	009	004	1,3,4,5,6	JAMES	SMITH
04	014	019	1,2,3,5,6	A.R.	SMITH
06	020	014	2,3	LOUIS	SMITH
04	010	016	6	ALYS	SPRINGER
04	014	015	1,2,3,4,5,6	R.S.	STEVENS
02	008	015	1,4,5,6	F.H.	STICKNEY
06	022	016	1,5,6	MRS. ALEX	THOMPSON
08	029	013	1,2,3,5,6	MARGUERITE	THORBY
02	006	019	6	WALTER M.	TITUS
05	016	002	3	ADDIE	TRACY
08	025	019	4	GEORGE K.	TRASK
08	026	020	1,2,3	GEORGE K.	TRASK
02	003	011	2,3,4	CHARLES	VAN NOSTRAND
03	009	007	4,5,6	DR. J.	VANDERVEN
[illegible]	023	013	1,3,4,5,6	GARRET	VREELAND
05	018	009	4,5,6	WILLIAM H.	WARD
06	020	017	3,5	MARGARET	WELLS
06	024	010	3,4,5,6	CHARLES F.	WHITCOMB
08	029	019	6	WALTER S.	WRENN

DOUGLAS CEMETERY

BLOCK	RANGE	LOT	BURIAL SPACE	CERTIFICATE F.NAME	CERTIFICATE L.NAME
N/A	06W	002	2		BAIN & MINTER
N/A	04W	016	3,4,5		BRODOCK
N/A	04W	015	3,4,5		BRODOCK
N/A	02E	010	3	WASHINGTON	BRUNER
N/A	04E	003	2	JOHN	BRUNSON
N/A	02E	004	4		BUCHANNAN
N/A	02E	022	5		CAMPBELL

N/A	04E	019	3,4,5	JOHN	CAMPBELL
N/A	05E	019	3,4	DAVID	CAMPBELL
N/A	03W	001	4,5		CAMPBELL
N/A	01W	015	3,5		CLOSE
N/A	02W	026	3,4,5	H.	COUSINS
N/A	04W	021	5	ELIZABETH	CURREN
N/A	05W	003	3,4,5	ADOLPH	DREHER
N/A	03E	003	4,5	GEORGE L.	DUTCHER
N/A	03E	004	1,2,3,4,5	GEORGE L.	DUTCHER
N/A	02E	027	1,3,4	NATHAN	ELLIS
N/A	02E	28	3,4,5	NATHAN	ELLIS
N/A	02E	016	5	N.	FINLEY
N/A	03W	014	5	NOAH	FLINT
N/A	05W	006	1,3,4	MRS. SARAH	FLINT
N/A	04W	020	3,4,5		FOLEY
N/A	04W	019	1,2,4,5		FOLEY
N/A	02W	003	2,3,4,5	JAKE	FOX
N/A	02E	013	2		GAZE
N/A	05W	001	3,4	CLARK	GILLESPIE
N/A	05E	003	2		GLEASON
N/A	03W	013	3	MRS. G. F.	GORING
N/A	03W	009	2,5	CHARLES R.	GREEN
N/A	03W	010	3,4,5	HENRY	GREEN
N/A	06E	003	2,3	MRS.LEWIS	HAMMOND
N/A	04E	008	2,3,4,5	LEWIS	HOWARD
N/A	04E	004	3	ALONZO M.	HULSON
N/A	05E	015	4,5	ORLEE	JOHNSON
N/A	01W	016	2,3,4,5	FRANK	KERR
N/A	02E	005	2,3,4		KIGGINS
N/A	05E	021	2,3,4	M.B.	KNOWLTON
N/A	04W	004	4,5		LEMAN
N/A	03E	028	1,2,3	WILLIAM	LIDDELL
N/A	03E	002	1,2,3,4,5		LIGHTHART
N/A	03W	018	5		LUBLOW
N/A	02W	005	1,3,4		MACK
N/A	05W	019	3,4	LOWELL G.	MANTIS
N/A	06E	008	1	MRS. MAY	MARTIN
N/A	05W	002	2,4		MARTIN
N/A	04W	007	4,5		MAUCH
N/A	03E	025	2,3,4,5	WILLIAM A.	MAY
N/A	03E	026	1,2,3,4,5	WILLIAM A.	MAY
N/A	02W	009	2,4	MRS. J	MC MANN
N/A	05E	002	1,2		MILLER
N/A	05E	001	1,3,4,5	P	MOODY
N/A	03E	012	5		PITCHER

N/A	02E	006	3,4,5	MRS. GEORGE	PLUMMER
N/A	02E	018	3,4,5	MRS.WILLIAM	PLUMMER
N/A	02E	017	2,4	MRS DAVID	PORTER
N/A	02W	006	4,5		POWERS
N/A	05E	017	4	GEORGE	PSHEA
N/A	05E	10	1,2,3,4,5	PHILETUS	PURDY
N/A	01E	014	4	MRS.JAMES	RAGAN
N/A	04E	015	2,3,4,5	CHRIS	REAMS
N/A	04E	016	3,4,5	HAROLD	REAMS
N/A	01W	002	2,3,4		REID
N/A	01W	008	1,2,5	ROBERT	REID
N/A	04W	027	2,3,4,5	SAMUEL	REID
N/A	03W	023	2,3,4,5	PHOEBE R.	ROBINSON
N/A	05W	011	1,2,3,4,5		ROBINSON
N/A	01E	021	5		RYAN
N/A	03W	028	4,5	THOR	SCHREIBER
N/A	01W	001	1,2,4,5		SMITH
N/A	05W	022	5	MRS. W. B.	SMITH
N/A	02W	002	3		SNAY & TUTTLE
N/A	06E	010	4,5	JULIUS	SPOHN
N/A	02E	020	4,5	WILLIAM G.	TISDALE
N/A	02W	025	2,3,4	SARAH & J. E.	TUCKER/MADDEN
N/A	06W	009	3,4,5	WILLIAM	TURNBULL
N/A	01E	004	2,4,5		UPSON
N/A	02E	023	2,3,4	H.A.	VAN VALKENBURG
N/A	01E	013	5		WADE
N/A	03E	015	5	A. W.	WALKER
N/A	03E	016	2,3,4,5	A.W.	WALKER
N/A	02E	003	2,3		WEED

Locating Unmarked Cemetery Burials

Office of the State Archaeologist, University of Iowa, Iowa City, IA 52242.
Burials Program: 319-384-0740.

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♦Introduction

Burials are often poorly marked in cemeteries, and many cemeteries suffer from poor or non-existent record keeping. Cemetery plots are typically treated as property, and conflicting claims on a plot can lead to legal headaches for everyone concerned. Likewise, the disturbance of an unmarked grave by a subsequent burial can be traumatic for all the families involved. For these reasons, it is important for the caretakers of a cemetery to do their best to verify that a plot is empty before someone is buried in it or before the plot is sold or traded.

This information is relevant only for the identification of graves which can reasonably be considered less than 150 years old. Older graves, including Native American and pioneer graves, fall under the jurisdiction of the Office of the State Archaeologist. If you are dealing with a grave you suspect is more than 150 years old, cease work immediately, cover any exposed remains, secure the area, and call the Burials Program of the Office of the State Archaeologist (319-384-0740).

This guide is intended to help cemetery caretakers and the general public understand the options that exist for locating unmarked graves in Iowa. The most common ways of locating graves are discussed, as well as their advantages and disadvantages. It should be noted that no process is foolproof in finding unmarked graves. There are specific laws related to disturbance of graves in Iowa. If you are unsure if you are allowed to conduct an investigation, please call one of the phone numbers at the end of this list before beginning work.

As cemetery caretakers well know, what you see on the surface does not always reflect what is below. Grave markers can be at the head, foot, or center of a grave, or can be some distance from the grave. Burials can be oriented in any direction relative to a marker or nearby burials. The markings on the grave stone may face towards or away from the burial. Multiple individuals may be buried under one marker. Many burials lack markers, typically because the original marker was made of wood or because of vandalism. Markers may be situated over empty graves. Well-maintained cemeteries typically do not have depressions over a grave; if there is a depression, it may be far larger or smaller than one would think necessary. Depressions are not always signifiers of graves, since grave diggers can borrow soil from nearby areas to fill in low spots, creating depressions that resemble graves.

In sum, you cannot assume that surface indications have anything to do with what is below the surface. If records are inadequate, some sort of remote sensing or subsurface testing is needed to locate burials. Described here are the most common techniques.

At the end of this report is a flowchart that explains some of the decision-making steps that an archaeologist or geophysicist go through to decide what survey technique to use, this chart may help you decide what survey technique is best for your situation.

♦Rod Probing

Probably the most common way to search for graves is to probe the soil in the area with a 6-foot-long rod with a blunt end and a T-shaped handle. These rods can be purchased commercially or be made by the user. The soil is probed in various spots looking for the resistance one would expect from a coffin or vault.

Advantages: Inexpensive, easy to use, generally accurate for recent burials in coffins or vaults.

Disadvantages: Invasive, so families may object. Cannot find burials that were not in coffins. Cannot find wooden coffins that have rotted, which is very common among graves from the 1800s and early 1900s. The coffin and remains decay and the coffin void fills in, leaving no resistance or voids to be found by the probe. Very difficult to find small coffins of infants or children. Rocks in the soil often give false readings, and it is very difficult to probe when the ground is hard or frozen.

♦Soil Coring

A more-exact method of probing is soil coring, in which a 3/4-inch or 1-inch diameter hollow tube is inserted into the ground above a suspected grave. The core is pulled out, and the soil examined for evidence of disturbance through comparisons with nearby undisturbed areas. This work should be done by a trained archaeologist or soils scientist, since the differences between a disturbed and undisturbed soil can be very subtle, especially if the soil is homogenous or very complex.

Advantages: better than rod probing, since it can detect burials even if the coffin is severely decayed. Cost is usually less than remote sensing. There are numerous qualified archaeologists in Iowa who can help; Iowa archaeology firms are listed at the end of this document.

Disadvantages: Invasive, so families may object. Requires an archaeologist or soils scientist, so cost is greater than rod probing. Difficult or impossible in rocky soil. Often, soil difference can be so subtle that even a trained archaeologist cannot tell if a grave exists for certain or not, especially if the original soil matrix is very homogenous or if the upper soil layers are disturbed by non-grave activity such as earth moving or burrowing animals. It is very difficult to core when the ground is hard or frozen.

♦Formal Excavation

The most-definitive way of determining if a burial exists in a plot is formal excavation. Formal excavation is different than grave digging; typically a grave digger will not notice if they are digging an occupied grave until it is too late and the coffin or burial is damaged or destroyed. Human remains are occasionally found in back dirt or borrow piles at cemeteries, since the grave digger cannot always tell if they have gone through an existing grave. Formal excavation is different than exhumation, in which a fairly-recent burial from a known grave is removed; many funeral parlors or medical examiners can arrange for exhumation. In contrast, formal excavation is the systematic removal of soil in a controlled fashion to locate suspected graves while causing minimal damage to them. Formal excavation is best performed by a trained archaeologist who has an understanding of soils and excavation methods. While there are many ways to perform formal excavation, a common way is to use a wide, toothless backhoe to slowly strip away the soil in

level layers a few inches at a time. This allows the archaeologist to check for evidence in the soil of a grave shaft (the filled-in grave hole) above the burial. Once evidence of a burial is encountered, archaeologists can map the burial and leave it in place. If a disinterment permit has been obtained from the Department of Public Health, an archaeologist can carefully excavate the remains for reburial elsewhere, after a consultation with the person who obtained the permit. If the remains and effects are removed, they can be studied to help determine the identity of the individual. Formal excavation can also stop well above the grave if there is evidence of a shaft.

Advantages: Almost fool-proof and, if properly done, will provide a definitive answer. Can be performed in any soil type, rocks are not a problem. Excavation can provide information about not just if a burial is located there, but can also provide information needed to determine the identity of the buried person. There are numerous qualified archaeologists in Iowa who can help; Iowa archaeologists are listed at the end of this document.

Disadvantages: Highly invasive, so families may object. Expensive; it requires an archaeologist and machinery, and possibly laboratory time. There is always a chance that a very ephemeral burial will be missed and destroyed by machinery, although this is unlikely.

♦Ground-Penetrating Radar (GPR)

With GPR, a radio or microwave signal is sent into the ground and the reflected signal is recorded. The time it takes for the signal to return reflects the depth of penetration, and the returning signal can be stronger or weaker depending on the type of material it is passing through and reflecting off. This data can be used to make an image of the subsurface. A GPR technician will walk an antenna over an area, recording data. This data is processed in a computer to create a two- or three- dimensional image of the subsurface. Under ideal conditions, the grave shaft and possibly the coffin or vault will be visible, but under normal conditions, only the upper part of the grave shaft is visible.

Advantages: GPR is non-invasive, so families typically do not object. Under ideal conditions, it can provide a highly-detailed image of the subsurface. GPR can often see through surface disturbances. GPR is probably the best form of remote sensing if the clay content of the soil is low. Services are available in Iowa, for a fee, from the Office of the State Archaeologist (319-384-0724). Other regional practitioners can be found at the web page listed at the end of this document, or by contacting one of the archaeologists listed.

Disadvantages: GPR's effectiveness depends on soil conditions; it does not work well in clay-rich, rocky, or saturated soils. GPR can be expensive.

♦Resistivity

Resistivity can often be useful in finding graves, it is based on the principle that soils have differing moisture retention properties and therefore will conduct electricity differently. A small electric charge is run between spikes placed in the ground, and the resistance is measured. When a soil is disturbed, as in a burial, different types of soil are brought near the surface which have very slight differences in electrical resistivity. The surveyor will probe at close intervals over a large area collecting data, which is then downloaded into a computer to show areas of disturbed soils. In a cemetery, these often correspond to marked and unmarked graves.

Advantages: The spikes only penetrate a few inches into the soil, so it is relatively non-invasive and families typically do not object. Can give some idea if disturbances are deep or not. Under ideal circumstances, resistivity is quite effective.

Disadvantages: Resistivity is ineffective if the upper level of soil is disturbed over a large area (for example, by previous bulldozing), and it is ineffective under certain conditions, such as when the soil is very wet or very dry. Can be expensive. May be adversely affected by rocky soil. Currently, there are no practitioners in Iowa; for regional practitioners, see the web page listed at the end of this document. Likewise, qualified archaeologists can also help you find a practitioner, a list of Iowa archaeologists is included at the end of this document.

♦Conductivity

Conductivity is often effective in finding graves. It works by applying a magnetic field to the ground surface. This magnetic pulse causes the soil to generate a secondary magnetic field, which is recorded to make a map. When a soil is disturbed, as in a burial, different types of soil are brought near the surface which have very slight differences in conductivity. The surveyor will walk an instrument over a large area collecting data, which is then downloaded into a computer to show areas of disturbed soils. In a cemetery, these often correspond to marked and unmarked graves.

Advantages: Conductivity is non-invasive, so families typically do not object. Can cover a large area in a fairly short period of time. It can be very effective under the proper conditions. Suitable instruments are often available from local soil scientists, but one must be certain the operator understands how to identify variation associated with graves.

Disadvantages: Conductivity is ineffective if the upper level of soil is disturbed over a large area. It is ineffective in the presence of ferrous metal (iron, steel, etc.), so the survey area has to be very clean and checked with metal detectors; metal markers, vases, etc., must be removed. It can be less effective if the soil is saturated, very dry, or rocky. It is affected by nearby power lines. Currently, there are no practitioners in Iowa; for regional practitioners, see the web page listed at the end of this document. Likewise, qualified archaeologists can also help you find a practitioner, a list of Iowa archaeologists is included at the end of this document.

♦Magnetometry

A sometimes effective way to quickly identify graves is with the use of magnetometers. Magnetometers are devices that measure minute changes in the magnetic properties of soil. When a soil is disturbed, as in a burial, different types of soil are brought near the surface which have very slight differences in magnetism. The surveyor will walk a magnetometer over a large area collecting data, which is then downloaded into a computer to produce maps that show areas of disturbed soils. In a cemetery, these often correspond to marked and unmarked graves.

Advantages: Magentomety is non-invasive, so families typically do not object. Can cover a large area in a fairly short period of time. Can be very effective under the proper conditions.

Disadvantages: Magentomety is ineffective if the upper level of soil is disturbed over a large area. Soils need to have significant iron oxide content, or it will not work. Ineffective in the presence of ferrous metal (iron, steel, etc.), so the survey area has to be very clean and checked

with metal detectors; metal markers, fences, vases, etc., must be removed. Because of its limitations, magentometry is often less effective than conductivity or resistance. Magentometry can be expensive. Currently, there are no practitioners in Iowa; for regional practitioners, see the web page listed at the end of this document. Likewise, qualified archaeologists can also help you find a practitioner, a list of Iowa archaeologists is included at the end of this document.

♦Dowsing/ Witching

A common way to search for graves is dowsing, or as it is frequently called in the Midwest, "witching," or occasionally "divining". The dowser walks over an area with two copper wires or rods bent in an L shape, holding the short ends in each hand and pointing the long ends forward. Dowsers believe the wires will cross over a grave. This practice is ultimately derived from an old English and German folk belief that willow or hazel sticks have an uncontrollable desire for water and will point to underground reservoirs. In America, the willow was replaced with copper rods and used not only to find water, but also graves. One common folk belief is that the two rods will converge if the grave is of a male, and diverge if it is female.

Supposedly the magnetic properties of disturbed soil or coffin hardware attract the copper rods. However, this is illogical. First, soil and coffin hardware do not attract metal, as simple experimentation will show. Soil is so weakly magnetic that a hyper-sensitive magnetometer is required to measure it reliably. Second, even if soil or coffin hardware were strongly magnetic, they would not attract copper wire, which is unaffected by magnetism–experimentation at home will show that you can't move a copper wire or penny with a magnet. Third, even if soil or coffin hardware were magnetic, and non-copper rods were used, the rods would *never* cross when exposed to a magnetic field; long metal objects always run *parallel* with strong magnetic fields. Remember the grade-school science project with iron filings on a glass plate over a magnet? The filings line up parallel and curve with the field, they do not cross each other. All credible scientific trials of dowsing have shown that dowsing is no better than random luck or common-sense intuition at finding graves or water (for further information, refer to Robert Todd Carroll's reviews of scientific tests of dowsing in the Skeptic's Dictionary [John Wiley & Sons, 2003], www.skepdic.com/dowsing).

Advantages: There are no advantages to dowsing.

Disadvantages: Dowsing is no better at finding graves than common-sense intuition. Dowsing could put yourself or your organization at legal and financial risk and could lead to public embarrassment. When you make determinations about the presence or absence of burials in a plot you are making decisions about other people's property which carries legal and financial liabilities. The court of law does not recognize folklore such as dowsing as valid scientific practice. While other technologies and methods described here are not foolproof, they can at least be explained and justified in court because they are based on scientific or observational principles.