

MAIMONIDES CEMETERIES

RULES AND REGULATIONS

For the mutual protection and benefit of lot owners, and the Cemetery, the following Rules and Regulations have been adopted by Maimonides Benevolent Society as the Rules and Regulations of Maimonides Cemeteries. All lot owners and visitors within the cemeteries and all lots sold shall be subject to said Rules and Regulations, and subject, further, to such Rules and Regulations, amendments or alterations as shall hereinafter be adopted by the Maimonides Benevolent Society and approved by the Cemetery Board of the State of New York.

I. DEFINITIONS

1. Cemetery. The term Cemetery is hereby defined to include the cemeteries maintained at 895 Jamaica Avenue, Brooklyn, New York and 90 Elmont Road, Elmont, New York as burial parks for earth interments, a community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more than one thereof including all lands, buildings, structures and improvements thereon and other properties belonging to Maimonides Benevolent Society (Maimonides Cemeteries).
2. Grave. Grave shall mean a single grave as shown on the maps in the offices of the cemetery.
3. Lot. The term lot shall apply to numbered divisions as shown on the map plot which consists of two or more graves.
4. Crypt. Crypt shall mean a space used or intended to be used above or below the surface of the ground in a private mausoleum for entombment or inurnment purposes.
5. Interment. The term interment shall mean the permanent disposition of the remains of a deceased person by entombment, burial or inurnment of cremated remains.
6. Disinterment and Disentombment. Disinterment and disentombment shall mean the removal of human remains from a lot, grave or crypt.
7. Memorial. The term memorial shall include a monument, marker, tablet, headstone, footstone, ledger, private mausoleum or tomb for family or individual use, tombstone, urn and crypt and niche place.
8. Monument. The term monument shall include a tombstone or memorial of granite which shall extend above the surface of the ground.
9. Marker. The term marker means a memorial flush with the ground.
10. Lot Deed. The term Deed is an instrument giving the lot owner the right of interment only.
11. Care. "Care", "Annual Care", and "Seasonal Care" are used interchangeably and shall mean the mowing of grass on graves or lots at periodic intervals, trimming of plants, pruning of shrubs in the spring and/or the fall and the removal of debris.
12. Endowment Care. "Endowment Care" shall mean the Endowed Care of a lot or grave out of the income derived from a Trust Fund created by a grave or lot owner, or any other person, in accordance with the Laws of the State of New York.

II. LOT OWNERS RIGHTS

1. The deed to a lot or other grant to interment space gives only a right or privilege of interment of human remains and the right to provide an approved memorial. The ownership in fee to the land remaining in the Cemetery.
2. Persons desiring to purchase burial rights in a lot should visit the cemetery where the management will aid them in making a selection and will issue a memorandum describing the lot purchased.
3. The burial rights conveyed shall be presumed to be sole and separate property of the person or persons named in the Deed.
4. The surviving spouse shall have a right of interment in any burial lot owned by the deceased lot owner, if available and as provided by the law of the State of New York, if a grave is available.
5. In all conveyances to two or more persons, as joint tenants, each joint tenant shall have a right of interment in the lot so conveyed. Upon death of a joint tenant the title to the burial lot vests in the survivor(s).
6. Upon the death of a lot owner, an affidavit of heirship should be filed at the office of the Cemetery, signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of the names of all heirs. In the event of co-ownership of a lot, crypt or private mausoleum a majority of owners may designate one of their number as a representative authorized to sign burial authorizations and to give all needful directions regarding the lot to the Cemetery, and the Cemetery may rely upon such direction.
7. Owners shall not permit interments to be made in their lots for a remuneration. Where there is more than one owner of a lot, no interments shall occur other than that of an owner except as provided by law, or unless a majority of the owners shall consent to the burial in the lot or unless one of the owners of the lot has been designated to be the representative of the lot as provided for in Paragraph 6 above.
8. The owners of graves or lots, in opening the same, must keep mourners within certain bounds as shall be directed by the Cemetery. When cemetery personnel are working on a gravesite, all persons are required to remain no closer than 25 feet to such site.
9. If a lot owner or the immediate members of his family, or other persons attending the funeral, desire to aid in any burial, then they must sign a waiver on the forms supplied by the Cemetery before such participation in a burial may occur.

III. INTERMENTS AND DISINTERMENTS

1. All interments and disinterments and removals are subject to the Rules and Regulations of the cemetery and all governmental authorities.
2. Once a casket containing a body is within the confines of the cemetery, no funeral director or his embalmer, assistant, employee or agent shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased or without a court order.
3. All interments, disinterments and removals must be made at the time and in the manner and subject to such charges as fixed by the Cemetery.
4. No disinterments or removals are permitted on Saturday, Sundays or holidays. An additional charge is also made when the time of arrival of a funeral necessitates payment for overtime labors.
5. The Cemetery reserves the right to insist upon at least one week's notice prior to any disinterment or removal.
6. The Cemetery reserves the right to refuse interment in any plot and to refuse to open any burial space for any purpose, except on written application by the lot owners of record or their written designee.
7. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Cemetery may, at its discretion, open it in such location in the lot as it deems best and proper, so as not to delay the funeral; and the Cemetery shall not be liable for damages for any error so made.
8. Detailed written instructions are required by the Cemetery, and the Cemetery shall not be responsible for any order given verbally or by the telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a lot where interment, disinterment or removal is required.
9. The Cemetery reserves, and shall have the right to correct any errors that may be made by it, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof, other interment

property of equal value and similar location as far as possible, as may be selected by the Cemetery, or, in the sole discretion of the Cemetery, by refunding the amount of money paid on account of such purchase. Removals will be in accordance with Section 1510(e) of the New York State Not-For-Profit Corporation Law.

10. The Cemetery shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Rules and Regulations have not been complied with or where underground obstructions are encountered. The Cemetery shall be under no duty to recognize any protests of interment unless they be in writing and filed in the office of the Cemetery.

11. No interment shall be permitted or memorial placed in or on any property not fully paid for.

12. Not more than one body, or the remains of more than one body shall be interred in one grave, vault, crypt or niche.

13. Not more than three cremated remains shall be interred in one grave or crypt.

14. No interment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted in the cemeteries.

15. The utmost care will be exercised in making a disinterment or removal, but the Cemetery shall assume no liability for damage to any casket, crypt or facing thereof or urn incurred in making the removal.

16. The burial rights in a lot can only be sold back to the Cemetery as provided by the laws of the State of New York.

17. All funerals and services held in the Cemetery must be in conformity with the Jewish faith. The interment of persons not of the Jewish faith in the Cemetery is prohibited, with the exception of interment in our interfaith section, Beit Chaverim, as indicated in the Rules for said Section.

18. No interment in said Cemetery shall be made Friday after sundown, Saturday or Jewish Holydays.

IV. TRANSFERS OR ASSIGNMENTS

1. Any transfer, designation or assignment of a lot or interest therein shall be in accordance with the laws of the State of New York.

2. The Cemetery may refuse consent to transfer, designate or assign when there is indebtedness in the lot price or grave opening charge due the cemetery from the record lot owner.

3. All transfers shall be subject to a nominal charge to be paid when the transfer is recorded or may be fixed by the approved charges of the Division of Cemeteries.

4. The subdivision of lots is not permitted.

V. CARE

1. The terms "Care", "Annual Care", and "Seasonal Care" are used interchangeably and shall mean the mowing of grass on graves or lots at reasonable intervals, trimming plants, pruning of shrubs in the spring and/or fall, and the removal of debris. Care shall not be pro-rated. This charge may be renewed and prepaid annually in accordance with the charges posted and in effect for that year. Such payment shall not include the replacement of any shrubs, flowers, plants, sodding or resodding of any grave or lot. The Cemetery may perform the services herein above described at any time during the period April - October.

2. Care as defined herein shall not be construed as meaning the maintenance, repair or replacement of any memorial, tombs, or mausoleum or any windows in any mausoleum placed or erected upon lots; nor watering or sprinkling the lots nor any special or unusual work in the Cemetery including without limitation impoverishment of the soil; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any lot or any portion or portions thereof in the Cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

3. No beds of stone, concrete, metal or plastic may be used to encircle graves, except as provided by statute. No shells, stones, pebbles, etc. may be used to decorate graves or plots. Only grass or approved plants may be used. A grave or lot owner may arrange with the Cemetery office for the planting and cultivation of trees, shrubs and plants on any grave or lot.

4. No orders for the planting of trees, shrubs, plants or sod on a grave or lot will be accepted unless provision is made for care during the first year of said planting.

VI. SPECIAL CARE

Special care shall include only those specific services set forth in the Special Care Agreements with the lot owners. It may include the following:

a. The planting and cultivation of flowers.

b. The placing of floral decorations at specified times of the year and holidays.

c. Any other special services that the cemetery deems advisable for the benefit of the lot owner.

VII. ENDOWMENT CARE

1. The terms "Perpetual Care" and "Endowment Care" are used interchangeably.

2. Before Endowment Care of any grave, lot, mausoleum, crypt or niche shall be accepted by the Cemetery, said grave, lot, mausoleum, crypt or niche shall be inspected by the Cemetery personnel, and it will be required that each grave, lot, mausoleum, crypt or niche be in a condition acceptable to the Cemetery. If work is required to place the grave, lot, mausoleum, crypt or niche in a condition acceptable to the Cemetery, said work shall be done at the expense of the owner and paid for in addition to the amount required for the Endowment, prior to the acceptance of Endowment Care.

3. The Endowment Care of one or more graves within a family plot will not be accepted. The entire area must be placed under Endowment Care.

4. When Endowment Care is to be provided where a double headstone has been erected, both graves must be placed under Endowed Care.

5. Where a triple stone has been erected, all three graves must be placed under Endowment Care.

6. No plans for the construction of a "private" mausoleum or sarcophagus will be approved, until a sum sufficient to provide Endowment Care of both the building and surrounding area has been deposited in the Endowment Care Fund of the Cemetery. The amount necessary for Endowment Care shall be determined by the size and type of mausoleum or sarcophagus and of the landscaping of the surrounding area.

VIII. SPECIFICATIONS AND RULES AND REGULATIONS FOR MEMORIAL WORK

1. Retail monument dealers and manufacturers of memorials shall agree to install memorials of only first grade, clear Barre granite. They must be willing to guarantee that such granite is free from sap or anything what will cause rust stains, that it will not check or crack, and agree that if such faults develop within five years from date of setting, the memorial will be replaced without cost to the cemetery or lot owner by the retail monument dealer or manufacturer of the memorial.

2. Any person or any firm who is engaged in the memorial business, including sub-contractors, letter cutters, sandblast personnel, and persons washing memorials must procure a permit from the Cemetery before any work is started. In order to secure such a permit it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged. In doing such work they must comply with reasonable directions of the Cemetery authority, and of the Laws of the State of New York.

3. One (1) central monument may be erected at the head of the lot. Footstones may be placed at the foot of each grave comprising the lot and shall be set on the place designated by the Cemetery.

4. A blueprint or sketch drawn to scale of all proposed memorial work, including mausoleums, with full specifications as to size, material, finish, inscription and ornamentation must be submitted to the Cemetery for approval before a foundation will be constructed.
5. Cemetery officials have the authority to reject any plan or design for any memorial which, in the opinion of the Cemetery, is unsuited to the lot on which it is to be erected or because of size, design or quality of stone.
6. No lot owner shall erect or place or cause to be erected or placed on any lot in the cemetery any memorial which the Cemetery disapproves.
7. The bottom beds of all bases and markers must be cut full and level.
8. No corner posts shall be permitted.
9. All names and inscriptions on each monument or marker must correspond with the names on record in the office of the cemetery. No changes shall be made except upon request of the proper parties and by permission of the Cemetery.
10. All die stones shall be finished in an approved manner on the front, back, top and ends and shall be at least six inches thick. Wire sawn and rock pitch finish are not approved finishes.
11. The maximum size of a memorial is governed by the size of the lot on which it is to be placed. It is determined as follows:
 - a. The length of the base shall not exceed sixty percent of the width of the lot.
 - b. The width of the base shall not exceed the depth of the space available for a monument on the lot. In no case may it extend over the grave.
 - c. The area of the face of the memorial including the die and base shall not exceed twenty percent of the square foot area of the lot.

Example:

A two grave lot (10'x6') will have an area of 60 sq. feet.
Therefore, the maximum allowable face area of the memorial will be 12 sq. feet. The maximum allowable lengths of the base will be 3.5 feet.

12. No monument or marker shall be removed from the cemetery, except by the Cemetery, unless the written order of the lot owner is presented at the office of the Cemetery.
13. The use of bronze is approved for doors, windows and grills of mausoleums and other mausoleum fixtures, and for statuary, dowels, and also for tablets when attached to monuments or markers of natural stone, provided the bronze has been cast from an alloy containing no less than 85% copper or more than 5% lead. Suppliers shall be required to certify as to the analysis of the bronze. Stainless steel and other non corrosive metals of proven permanency may be used. All use of such metals must first be approved by the Cemetery. No other metals may be used on a lot or Mausoleum.
14. Mausoleums or tombs, either wholly or partially above ground, shall be constructed only in lots so designated by the Cemetery and must be surrounded by at least 12" of unencumbered turf.
15. Mausoleum plans, specifications and location in the lot shall be subject to the approval of the cemetery.
16. All parts of the mausoleum, or tomb, above ground, must be constructed of first grade natural stone from approved producers, except that bronze may be used as specified previously.
17. When an interment is made in a private mausoleum, the casket must be metal with a zinc liner and the crypt shall be hermetically sealed, or, a zinc outer box must be furnished and sealed.
18. Tablets removed must be replaced at the time of entombment.
19. Immediately upon the completion of any vault, tomb or mausoleum, one key to each lock must be deposited with the Cemetery.

IX. FOUNDATIONS

1. As a guarantee of good work and as a protection to all lot owners, the Cemetery reserves the right to excavate for and build all foundations, set all markers and posts, and to regulate all the work done in the cemetery. The Cemetery shall assume responsibility for the proper construction of the foundations.
2. Foundations are installed in the spring and in the fall. Any other time will be at the discretion of the Cemetery.
3. Foundations are constructed to the full depth of the grave and finished slightly below the surface of the ground unless steel reinforcement is used.
4. Foundations are at least as large as the bottom base of the memorial. The Cemetery reserves the right to require a larger foundation when, in its opinion, the weight of the memorial or structure requires it.
5. No memorials may be set until the cement in the foundation shall have had time to harden thoroughly.
6. Foundations and setting charges shall be payable in advance.

X. SETTING OF MEMORIALS AND MAUSOLEUMS

1. Workmen engaged in placing or erecting monuments and other structures, or bringing in materials, must procure a permit from the Cemetery before any work is started. In order to secure such a permit it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged. In doing such work they must comply with the reasonable directions of the Cemetery authorities.
2. Persons engaged in erecting monuments or other structures are prohibited from attaching ropes and cables to monuments, trees or shrubs, or for scattering materials on adjoining lots, or from blocking roads or pathways, or from leaving their materials on the grounds longer than is absolutely necessary. They must remove all debris as soon as the setting is completed.
3. Plywood or planking is to be placed on the lots for the protection of the grass unless permission is granted otherwise by Cemetery authorities.
4. Damage done to lots, walks, roadways trees, shrubs or other property by dealers, contractors, vault companies or their agents shall be repaired by them upon notice by the Cemetery or the Cemetery shall make such repairs, and the cost of such repairs shall be charged to the party causing the damage or to his principal.
5. No material, machinery or other construction equipment of vaults, mausoleums, monuments, or the monuments themselves may be brought into the Cemetery until required for immediate use, nor between Friday noon and Monday morning, nor on a holiday, and no work shall be done during this time without special permission from the Cemetery and under the supervision of a Cemetery foreman.
6. Work shall proceed promptly until the erection of the memorial or mausoleum is completed.
7. While a funeral or interment is being conducted nearby, all work of any description shall cease.
8. Subject to the general rules and monument rules, the owner of a lot shall have the right to erect any proper stones, monuments or sepulchral structures thereon of the material herein prescribed. All headstones are required to have a solid foundation of mason work.
9. If any effigy or any structure other than monuments or mausoleums, or any inscription be placed in or upon any lot, shall be determined by the Cemetery to be offensive or improper or injurious to the appearance of the surrounding lots or grounds, the Cemetery shall have the right, on due notice, to enter upon said lot and remove said offensive or improper object or inscription.

XI. LOT PLANTINGS AND DECORATIONS

1. No artificial flowers are allowed on the Cemeteries at any time.
2. In accordance with the laws of the State of New York the cemetery shall have the authority, after fifteen days written notice to the Lot Owner to remove all floral decorations, flags, shrubs, plants or herbage of any kind, which in the judgment of the Cemetery have become unsightly, dangerous, diseased or detrimental, or which do not conform to the Regulations outlined.
3. The Cemetery shall not be liable for any floral arrangements, plants or receptacles that have become lost, misplaced, stolen or broken.
4. The placing of toys, decorative stones, metal designs, ornaments, chairs, settees and similar articles are not permitted, and if so placed on the lot, the Cemetery reserves the right to remove the same.
5. Coat hangers or other wires in the ground or attached to memorials as pot holders are not allowed.
6. Where in ground plantings of trees, shrubs or bushes have been allowed, the plantings must be kept immediately next to the monument base and not extend more than three feet toward the foot of the grave, nor more than five feet in height from the ground. Whenever any plantings are not properly cared for, or are permitted to grow wild, or any grave sinks or becomes dangerous to visitors, such grave(s) or lot will be leveled after due notice.
7. All lots must be kept in good order.
8. On single grave sections, no trees or large bushes will be permitted, except that ivy, myrtle or flowers may be planted. Whenever plants are not properly cared for, or are permitted to grow wild, or the grave itself sinks or becomes dangerous to visitors, such grave will be leveled after due notice.

XII. CONDUCT OF PERSONS WITHIN THE CEMETERY

1. The Cemetery grounds shall be open from 8:00 a.m. to 4:30 p.m., Monday through Friday and from 9:30 a.m. to 3:30p.m. on Sunday. The hours of operation from November 1 through March 31, Monday through Friday will be 8:00 a.m. to 4:00 p.m.
2. Persons within the Cemetery grounds shall use only the avenues, roads or paths except if it is necessary to walk on the grass to reach their lot.
3. The Cemetery shall in no way be held liable for any injuries sustained by anyone while in the Cemetery.
4. Children under 16 years of age shall not be permitted within the cemetery or its buildings unless accompanied by an adult.
5. All unauthorized persons are prohibited from sitting, lounging, having refreshments or eating within the grounds of the Cemetery.
6. All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, or defacing or otherwise damaging monuments or structures.
7. No loud talking shall be permitted on the Cemetery grounds within hearing distance of funeral services or unveilings.
8. Automobiles shall not exceed 15 miles per hour when driven through the grounds, and must be kept on the right hand side of the roadway unless otherwise directed by cemetery authorities.
9. Automobiles must be kept under complete control at all times. When meeting a funeral they must stop until the procession passes. Automobiles must not be left with the engine running, and the emergency brake must be set when the driver is not in the seat.
10. No automobile or other vehicle shall be driven across or upon any lot or lawn nor parked thereon. It is prohibited to park any vehicle on any road or driveway within the Cemetery so as to prevent any other vehicle from passing.
11. Motorcycles, snowmachines, bicycles, and go-carts are not allowed in the Cemetery.
12. Drag racing, hot rodding and driver training are not allowed in the Cemetery.
13. The taking of photographs or the use of any kind of photographic equipment is strictly prohibited in the cemetery without the express permission of the Cemetery. If a specific lot or grave is being filmed and/or photographed, permission from the lot owner is also required.
14. Dogs shall not be allowed on the Cemetery grounds or in any building, except those dogs which may belong to the Cemetery.
15. No firearms shall be permitted within the Cemetery.
16. No signs or notices or advertisements of any kind shall be allowed in the cemetery unless placed by the Cemetery.
17. All persons are prohibited from soliciting on the Cemeteries for any purpose whatsoever at anytime and any person found soliciting shall be treated as a trespasser and in violation of the Laws of the State of New York as may be appertaining thereto.
18. Any person performing cleanups or any kind of work on any grave or lot must remove any cutting and debris from the cemetery.

XIII. MISCELLANEOUS

1. Any and all persons, firms, or corporations who are to perform any work at the cemetery at the behest of Maimonides Cemetery or lot owner (with prior approval by the cemetery) before performing any work must first submit to the cemetery a Certificate of Insurance naming Maimonides Cemetery as an insured beneficiary for liability in a sum not less than \$1,000,000.00 and a Certificate of Worker's Compensation as required by law.
2. All grading, landscaping and improvements of any kind on lots shall be made by the Cemetery unless otherwise authorized by the Cemetery by special permit in writing from the Cemetery. If such alterations are made without written consent, the Cemetery shall have the right to remove or change such alterations.
3. The Cemetery Administrator or, in his/her absence, a designated assistant is hereby empowered to enforce all Rules and Regulations. The Cemetery Administrator or, in his absence, an assistant shall have supervision and control of all persons within the Cemetery, including the conduct of funerals, traffic and employees.
4. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these Rules and Regulations when it seems advisable. Such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such Rule.
5. The Cemetery may, and it hereby expressly reserves the right, at any time, to adopt new Rules and Regulations, or to amend, alter, or repeal any Rule or Regulation. All rules previously adopted which are contrary to these Rules and regulations are hereby repealed and are no longer effective. All Rules and Regulations which have been heretofore in force are deemed to continue in force unless modified and superseded by these Rules and Regulations. All Rules and Regulations are subject to the Laws of the State of New York and as may be governed or approved by the Cemetery Board or the Division of Cemeteries of the State of New York.
6. If any shrubs situate in any lot shall, by means of their roots or branches or otherwise become detrimental to the adjacent lots or avenues, or dangerous, the Cemetery may after due notice, enter said lot and remove the shrubs or such parts thereof as they shall determine to be detrimental or dangerous. If any trees, shrubs, or flowers shall not be planted in accordance with the Rules and Regulations herein provided or which may hereafter be enacted, the Cemetery after due notice, shall have the right to enter said lot and remove said trees and shrubs or such part thereof as shall be determined to be detrimental or dangerous.
7. All grave mounds are prohibited. Grave-beds and ledgers not exceeding six inches above the grade may be erected upon concrete girder construction, such work to be performed by the Cemetery.
8. Any sign indicating that lot, vault or tomb is for sale is prohibited.
9. All lot enclosures are prohibited. No fencing, hedging, stone or gravel aprons around memorials or around lots shall be allowed.
10. No plantings, cement work, monument work or any embellishment of the graves or lot may be performed on a Saturday, Sunday, Jewish Holydays or legal holidays or before 9:00 a.m. or after 3:30 p.m. Monday through Friday or at any other time that the Cemetery office is closed or a foreman or other Cemetery personnel is not available for supervision.
11. No one other than those paying their respects to those interred shall be permitted on the cemetery grounds without first presenting themselves at the Office of the Cemetery to state the purpose of the visit and to request authorization for same. Such authorization shall not be unreasonably withheld.

12. Any typographical error or omission in the preparation of these Rules and Regulations may be corrected so long as they do not in any way change the context of the printed matter.

* All such Rules and Regulations presently in force under Rules and Regulations effective September 1, 1949 and as revised thereafter and as filed with and approved by the Cemetery Board of the State of New York, February 23, 1988, October 30, 1997, May, 2005 and April 2010.

MAIMONIDES CEMETERIES
BEIT CHAVERIM SECTION
RULES AND REGULATIONS

For the mutual protection and benefit of lot owners, and the Cemetery, the following Rules and Regulations have been adopted by Maimonides Benevolent Society as the Rules and Regulations of Maimonides Cemeteries for a newly developed and dedicated Section for interfaith burials. All lot owners and visitors within the cemeteries and all lots sold shall be subject to said Rules and Regulations, as herein promulgated and subject, further, to such Rules and Regulations, amendments or alterations as shall hereinafter be adopted by the Maimonides Benevolent Society and approved by the Cemetery Board of the State of New York or as may be required by law or Rules and Regulations.

I. DEFINITIONS

1. Beit Chaverim Section. The term Beit Chaverim Section is hereby defined to be limited to the interfaith dedicated burial ground maintained at 90 Elmont Road, Elmont, New York as a burial park section for earth interments, where one party of an interfaith marriage is of the Jewish faith. Children of the union where one parent is of the Jewish faith may be interred in this Section. The Parents of the party of the Jewish faith may likewise be interred in Beit Chaverim Section. Beit Chaverim Section requires that all graves utilize concrete liners at the time of interment.
2. Grave. Grave shall mean a single grave as shown on the maps in the offices of the cemetery for Beit Chaverim Section.
3. Interment. The term interment shall mean the permanent disposition of the remains of a deceased person by burial or interment of cremated remains.
4. Disinterment. Disinterment shall mean the removal of human remains from a grave.
5. Memorial. The term memorial shall include a headstone for family or individual use.
6. Monument. The term monument shall include a tombstone or memorial of granite which shall extend above the surface of the ground on foundation beams as erected by the Cemetery.
7. Receipt. The term Receipt is an instrument giving the lot owner the right of interment only.
8. Care. "Care", "Annual Care", and "Seasonal Care" are used interchangeably and shall mean the mowing of grass on graves or lots at periodic intervals, trimming of plants, pruning of shrubs in the spring and/or the fall and the removal of debris.
9. Endowment Care. Endowment Care shall mean the Endowed Care of one or more graves out of the income derived from an Endowment Fund created by a grave owner, or any other person, in accordance with the Laws of the State of New York.

II. LOT OWNERS RIGHTS

1. The receipt for a grave gives only a right of interment of human remains and the right to provide an approved memorial. The ownership in fee to the land remaining in the Cemetery.
2. Persons desiring to purchase one or more graves may visit the cemetery where the management will show them the grave or graves.
3. The burial rights conveyed shall be the sole and separate property of the person or persons named in the Receipt.
4. In keeping with the Rules and Regulations of Maimonides Cemeteries, Beit Chaverim Section, one of the initial purchasers of one or more graves, must be of the Jewish Faith. Any additional graves bought by the initial purchaser must be limited to the following persons: his or her spouse; children of the union and parents of the Jewish Faith.
5. Upon the death of an owner of a grave or graves, an affidavit of heirship should be filed at the office of the Cemetery, signed by one of the heirs at law, and in the case of minors, by their guardian. This affidavit must include a list of the names of all heirs. In the

event of co-ownership of graves a majority of owners may designate one of their number as a representative authorized to sign burial authorizations and to give all necessary directions regarding the lot to the Cemetery, and the Cemetery may rely upon such direction.

6. Owners of a grave or graves shall not permit interments to be made in their grave or graves for a remuneration.

7. The owners of graves in opening the same, must keep mourners within certain bounds as shall be directed by the Cemetery. When cemetery personnel are working on a gravesite, all persons are required to remain no closer than 25 feet to such site.

8. If any owner of a grave or graves or the immediate members of his family, or other persons attending the funeral, desire to aid in any burial, then they must sign a waiver on the forms supplied by the Cemetery before such participation in a burial may occur.

9. No transfer, designation or assignment of a grave or graves or interest there may be made.

III. INTERMENTS AND DISINTERMENTS

The Section of Beit Chaverim Section is limited to interments under the following Rules and Regulations:

1. All funerals and services held in the Cemetery must be in conformity with the Jewish faith. Children of the union where one parent is of the Jewish faith may be interred in this Section. The Parents of the party of the Jewish Faith may likewise be interred.

2. All interments and disinterments and removals are subject to the Rules and Regulations of the cemetery and all governmental authorities.

3. Once a casket containing a body is within the confines of the cemetery, no funeral director or his embalmer, assistant, employee or agent shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased or without a court order.

4. All interments, disinterments and removals must be made at the time and in the manner and subject to such charges as fixed by the Cemetery.

5. No burials, disinterments or removals are permitted on Saturday, Sundays, Jewish Holy Days or holidays. An additional charge is also made when the time of arrival of a funeral necessitates payment for overtime labors.

6. The right of Maimonides Cemetery is reserved to insist upon at least one week's notice prior to any disinterment or removal.

7. The Cemetery reserves the right to refuse interment in any grave or graves and to refuse to open any burial space for any purpose, except on written application by the lot owners of record or their written designee.

8. When instructions regarding the location of an interment space in a grave cannot be obtained, or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Cemetery may, at its discretion, open it in such location as it deems best and proper, so as not to delay the funeral; and the Cemetery shall not be liable for damages for any error so made.

9. Detailed written instructions are required by the Cemetery, and the Cemetery shall not be responsible for any order given verbally or by the telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a grave where interment, disinterment or removal is required.

10. The Cemetery reserves, and shall have the right to correct any errors that may be made by it, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof, other interment property of equal value and similar location as far as possible, as may be selected by the Cemetery, or, in the sole discretion of the Cemetery, by refunding the amount of money paid on account of such purchase. Removals will be in accordance with Section 1510(e) of the New York State Not-For-Profit Corporation Law.

11. The Cemetery shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or when the Rules and Regulations have not been complied with or where underground obstructions are encountered. The Cemetery shall be under no duty to recognize any protests of interment unless they be in writing and filed in the office of the Cemetery.

12. No interment shall be permitted or memorial placed in or on any grave or graves not fully paid for.

13. Not more than one body, or the remains of more than one body shall be interred in one grave.

14. Not more than three cremated remains shall be interred in one grave.

15. No interment of any body, or the cremated remains of any body, other than that of a human being, shall be permitted.

16. The utmost care will be exercised in making a disinterment or removal, but the Cemetery shall assume no liability for damage to any casket, incurred, in making the removal.

17. The burial rights to any grave or graves can only be sold back to the Cemetery as provided by the laws of the State of New York.

18. No interment in said Section shall be made Friday after 3:00 p.m., Saturday or Jewish Holydays.

V. CARE

1. The terms "Care", "Annual Care", and "Seasonal Care" are used interchangeably and shall mean the mowing of grass on graves at reasonable intervals, trimming plants, pruning of shrubs in the spring and/or fall, and the removal of debris. Care shall not be pro-rated. This charge may be renewed and prepaid annually in accordance with the charges posted and in effect for that year. Such payment shall not include the replacement of any shrubs, flowers, plants, sodding or resodding of any grave. The Cemetery may perform the services herein above described at any time during the period April - October.

2. Care as defined herein shall not be construed as meaning the maintenance, repair or replacement of any memorial placed or erected upon graves; nor watering or sprinkling the graves nor any special or unusual work in the Cemetery including without limitation impoverishment of the soil; nor does it mean the reconstruction of any monument caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

3. No beds of stone, concrete, metal or plastic may be used to encircle graves. No shells, stones, pebbles, etc. may be used to decorate graves. Only grass or approved plants may be used. A grave owner may arrange with the Cemetery office for the planting and cultivation of shrubs and plants on any grave.

4. No orders for the planting of shrubs or plants on a grave will be accepted unless provision is made for care during the first year of said planting and continued thereafter.

VI. SPECIAL CARE

Special care shall include only those specific services set forth in the Special Care Agreements with the grave owners. It may include the following:

a. The planting and cultivation of flowers.

b. The placing of floral decorations at specified times of the year and holidays.

c. Any other special services that the cemetery deems advisable for the benefit of the grave owner.

VII. ENDOWMENT CARE

1. Before Endowed Care of any grave or graves shall be accepted by the Cemetery, said grave or graves shall be inspected by the Cemetery personnel, and it will be required that each grave be in a condition acceptable to the Cemetery. If work is required to place the grave or graves in a condition acceptable to the Cemetery, said work shall be done at the expense of the owner and paid for in addition to the amount required for the Endowment, prior to the acceptance of Endowed Care.

2. When Endowed Care is to be provided where a double headstone has been erected, both graves must be placed under Endowed Care.

3. Where a triple stone has been erected, all three or four graves must be placed under Endowed Care.

VIII. SPECIFICATIONS AND RULES AND REGULATIONS FOR MEMORIAL WORK

1. Retail monument dealers and manufacturers of memorials shall agree to install memorials of only first grade, clear Barre granite. They must be willing to guarantee that such granite is free from sap or anything that will cause rust stains, that it will not check or crack, and agree that if such faults develop within five years from date of setting, the memorial will be replaced without cost to the cemetery or lot owner, by the retail monument dealer or manufacturer of the memorial.

2. Any person or any firm who is engaged in the memorial business, including sub-contractors, letter cutters, sandblast personnel, and persons washing memorials must procure a permit from the Cemetery before any work is started. In order to secure such a permit it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged. In doing such work they must comply with reasonable directions of the Cemetery authority, and of the Laws of the State of New York.

3. A blueprint or sketch drawn to scale of all proposed memorial work with full specifications as to size, material, finish, inscription and ornamentation must be submitted to the Cemetery for approval before a foundation will be constructed.

4. Cemetery officials have the authority to reject any plan or design for any memorial which, in the opinion of the Cemetery, is unsuited to the grave or graves on which it is to be erected or because of size, design or quality of stone.

5. No grave owner shall erect or place or cause to be erected or placed on any grave in the cemetery any memorial which the Cemetery disapproves.

6. All names and inscriptions on each monument or marker must correspond with the names on record in the office of the cemetery. No changes shall be made except upon request of the proper parties and by permission of the Cemetery.

7. All die stones shall be finished in an approved manner on the front, back, top and ends and shall be at least six inches thick. Wire sawn and rock pitch finish are not approved finishes.

8. The maximum size of a memorial is governed by the size of grave or graves as follows:

The base of a single grave monument may not exceed 24" in width, 12" in height and 12" in depth. The monument (die) will be 36" in height, 20" in width and 8" in depth.

The base of a double grave monument may not exceed 48" in width, 12" in height and 12" in depth. The monument (die) will be 36" in height, 42" in width and 8" in depth.

9. No monument or marker shall be removed from the cemetery, except by the Cemetery, unless the written order of the grave owner is presented at the office of the Cemetery.

IX. FOUNDATIONS

1. All foundations are beamed foundations and are installed by the cemetery.

2. Foundation charges are based upon a single or double grave charge, as the case may be, and as may currently be in effect and shall be payable in advance of erecting any monument.

3. As a guarantee of good work and as a protection to all grave owners, the Cemetery reserves the right to excavate for and build all foundations, set all markers and posts, and to regulate all the work done in the cemetery. The Cemetery shall assume responsibility for the proper construction of the foundations.

4. Foundations and setting charges shall be payable in advance.

X. SETTING OF MONUMENTS

1. Workmen engaged in placing or erecting monuments or bringing in materials, must procure a permit from the Cemetery before any work is started. In order to secure such a permit it shall be necessary for the person or firm to submit satisfactory evidence of their ability to perform the work for which they have been engaged. In doing such work they must comply with the reasonable directions of the Cemetery authorities.

2. Persons engaged in erecting monuments or other structures are prohibited from attaching ropes and cables to monuments, trees or shrubs, or for scattering materials on adjoining graves, or from blocking roads or pathways, or from leaving their materials on the grounds longer than is absolutely necessary. They must remove all debris as soon as the setting is completed.

3. Plywood or planking is to be placed on the graves for the protection of the earth or graded land unless permission is granted otherwise by Cemetery authorities.

4. Damage done to graves, walks, roadways trees, shrubs or other property by dealers, contractors, vault companies or their agents shall be repaired by them upon notice by the Cemetery or the Cemetery shall make such repairs, and the cost of such repairs shall be charged to the party causing the damage or to his principal.

5. No material, machinery or other construction equipment of grave liners, vaults, mausoleums, monuments, or the monuments themselves may be brought into the Cemetery until required for immediate use, nor between Friday noon and Monday morning, nor on a holiday or Jewish Holyday and no work shall be done during this time without special permission from the Cemetery and under the supervision of a Cemetery foreman.

6. Work shall proceed promptly until the erection of the memorial is completed.

7. While a funeral or interment is being conducted nearby, all work of any description shall cease.

8. If any effigy or any structure other than monuments or any inscription be placed in or upon any grave or graves, shall be determined by the Cemetery to be offensive or improper or injurious to the appearance of the surrounding graves or grounds, the Cemetery shall have the right, on due notice, to enter upon said grave and remove said offensive or improper object or inscription from such grave or graves.

9. No religious icon may be placed on any monument other than the following: Star of David, Menorah, Book, Yad (hands), Draped Urn, Eternal Light, Hebrew Inscriptions. Any other etchings, inscriptions or icons require the approval of the Cemetery. The Cemetery has sole discretion in such approval.

XI. LOT PLANTINGS AND DECORATIONS

1. No artificial flowers or ornaments are allowed on the Cemeteries at any time.

2. In accordance with the laws of the State of New York the cemetery shall have the authority, after fifteen days written notice to the Grave Owner to remove all floral decorations, flags, shrubs, plants or herbage of any kind, which in the sole judgment of the Cemetery have become unsightly, dangerous, diseased or detrimental, or which do not conform to these Rules and Regulations.

3. The Cemetery shall not be liable for any floral arrangements, plants or receptacles that have become lost, misplaced, stolen or broken.

4. The placing of toys, decorative stones metal designs, ornaments, chairs, settees and similar articles are not permitted, and if so placed on the grave or graves, the Cemetery reserves the right to remove the same.

5. Coat hangers or other wires in the ground or attached to memorials as pot holders are not allowed.

6. Where in ground plantings of shrubs or bushes have been allowed, the plantings must be kept immediately next to the monument base and not extend more than two feet toward the foot of the grave, nor more than two feet in height from the ground. Whenever any plantings are not properly cared for, or are permitted to grow wild, or any grave sinks or becomes dangerous to visitors, such grave(s) or lot will be leveled after due notice.

7. All graves must be kept in good order.

8. No trees or large bushes will be permitted, except that ivy, myrtle or flowers may be planted. Whenever plants are not properly cared for, or are permitted to grow wild, or the grave itself sinks or becomes dangerous to visitors, such grave will be leveled after due notice.

XII. CONDUCT OF PERSONS WITHIN THE CEMETERY

1. The Cemetery grounds shall be open from 8:00 a.m. to 4:30 p.m., Monday through Friday and from 10:00 a.m. to 4:00 p.m. on Sunday. The hours of operation from November 1 through March 31, Monday through Friday will be 8:00 a.m. to 4:00 p.m.

2. Persons within the Cemetery grounds shall use only the avenues, roads or paths except if it is necessary to walk on the grass to reach their grave or graves.

3. The Cemetery shall in no way be held liable for any injuries sustained by anyone while in the Cemetery.

4. Children under 16 years of age shall not be permitted within the Cemetery or its buildings unless accompanied by an adult.

5. All unauthorized persons are prohibited from sitting, lounging, having refreshments or eating within the grounds of the Cemetery.

6. All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, or defacing or otherwise damaging monuments or structures.

7. No loud talking shall be permitted on the Cemetery grounds within hearing distance of funeral services or unveilings.

8. Automobiles shall not exceed 15 miles per hour when driven through the grounds, and must be kept on the right hand side of the roadway unless otherwise directed by Cemetery authorities.

9. Automobiles must be kept under complete control at all times. When meeting a funeral they must stop until the procession passes. Automobiles must not be left with the engine running, or headlights on and the emergency brake must be set when the driver is not in the seat.

10. No automobile or other vehicle shall be driven across or upon any lot or lawn turf nor parked thereon. It is prohibited to park any vehicle on any road or driveway within the Cemetery so as to prevent any other vehicle from passing.

11. Motorcycles, snowmachines, bicycles, and go-carts are not allowed in the Cemetery.

12. Drag racing, hot rodding and driver training are not allowed in the Cemetery.

13. The taking of photographs equipment is strictly prohibited in the cemetery without the express permission of the cemetery. If a specific lot or grave is being filmed and/or photographed, permission from the lot owner is also required.

13. Dogs shall not be allowed on the Cemetery grounds or in any building, except those dogs which may belong to the Cemetery.

14. No firearms shall be permitted within the Cemetery.

15. No signs or notices or advertisements of any kind shall be allowed in the cemetery unless placed by the Cemetery.

16. All persons are prohibited from soliciting on the Cemeteries for any purpose whatsoever at anytime and any person found soliciting shall be treated as a trespasser and in violation of the Laws of the State of New York as may be appertaining thereto.

XIII. MISCELLANEOUS

1. Any and all persons, firms, or corporations who are to perform any work at the cemetery at the behest of Maimonides Cemetery or grave owner (with prior approval by the cemetery) before performing any work must first submit to the cemetery a Certificate of Insurance naming Maimonides Cemetery as an insured beneficiary for liability in a sum not less than \$1,000,000.00 and a Certificate of Worker's Compensation as required by law.

2. All grading, landscaping and improvements of any kind on grave or graves shall be made by the Cemetery unless otherwise authorized by the Cemetery by special permit in writing from the Cemetery. If such alterations are made without written consent, the Cemetery shall have the right to remove or change such alterations.

3. The Cemetery Administrator or, in his/her absence, a designated assistant is hereby empowered to enforce all Rules and Regulations. The Cemetery Administrator or, in his/her absence, an assistant shall have supervision and control of all persons within the Cemetery, including the conduct of funerals, traffic and employees.

4. Special cases may arise in which the literal enforcement of a Rule may impose unnecessary hardship. The Cemetery reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these Rules and Regulations when it seems advisable. Such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such Rule.

5. The Cemetery may, and it hereby expressly reserves the right, at any time, to adopt new Rules and Regulations, or to amend, alter, or repeal any Rule or Regulation. All rules previously adopted which are contrary to these Rules and Regulations are hereby repealed and are no longer effective. All Rules and Regulations which have been heretofore in force are deemed to continue in force unless modified and superseded by these Rules and Regulations. All Rules and Regulations are subject to the Laws of the State of New York and as may be governed or approved by the Cemetery Board or the Division of Cemeteries of the State of New York.

6. If any shrubs situate on any grave or graves shall, by means of their roots or branches or otherwise become detrimental to the adjacent graves or paths, or dangerous, the Cemetery may after due notice, enter upon said grave or graves and remove the shrubs or such parts thereof as it shall determine to be detrimental or dangerous. If any trees, shrubs, or flowers shall not be planted in accordance with the Rules and Regulations herein provided or which may hereafter be enacted, the Cemetery after due notice, shall have the right to enter upon said grave or graves and remove said trees and shrubs or such part thereof as shall be determined to be detrimental or dangerous.

7. All grave mounds are prohibited. No grave-beds and ledgers may be erected upon any grave or graves.

8. Any sign indicating that a grave or graves is for sale is prohibited.

9. No grave or graves enclosures are permitted. No fencing, hedging, stone or gravel aprons around monuments or around graves shall be allowed.

10. No plantings, cement work, monument work or any embellishment of the graves may be performed on a Saturday, Sunday, Jewish Holydays or legal holidays or before 9:00 a.m. or after 3:30 p.m., Monday through Friday, or at any other time that the Cemetery office is closed or a foreman or other Cemetery personnel is not available for supervision.

11. No one other than those paying their respects to those interred shall be permitted on the cemetery grounds without first presenting themselves at the Office of the Cemetery to state the purpose of the visit and to request authorization for same. Such authorization shall not be unreasonably withheld.

12. Any typographical error or omission in the preparation of these Rules and Regulations may be corrected so long as they do not in any way change the context of the printed matter.