



RULES AND REGULATIONS
of the Temple Beth Abraham Cemetery Committee
(Amended and Restated as of 10 September 2019)

ARTICLE I: PURPOSES

The purpose of the Cemetery Committee is to maintain the cemetery known as the Temple Beth Abraham Cemetery in Nashua, County of Hillsborough and State of New Hampshire and to use or permit the same to be used for the burial therein of human remains. The cemetery entrance is located on (Old) West Hollis Street (42° 44'55.1"N 71° 29'36.0"W) near Exit 5 of the Everett Turnpike (U.S. Route 3).

ARTICLE II: RULES AND REGULATIONS

The Cemetery Committee is hereby empowered to enforce all rules and regulations and to exclude from the Temple Beth Abraham Cemetery any person violating the same.

The rules and regulations as set forth below and as may from time to time be amended by the Cemetery Committee, in consultation with the Temple Beth Abraham Rabbi, apply to all grave or lot owners, visitors and other persons to the cemetery as well as to all graves and lots sold. Burials in the cemetery shall be subject to the rules, regulations, conditions and restrictions made by the Cemetery Committee, as they may from time to time be amended, and reference to these cemetery rules and regulations, as they may from time to time be amended by the Cemetery Committee, in any burial plot certificate pertaining to any grave or lot shall have the same force and effect as if set forth in full therein.

Determinations with regard to Jewish law shall be made by the Temple Beth Abraham Rabbi.

ARTICLE III ELIGIBILITY

1. Members in good standing of Temple Beth Abraham may be buried in the cemetery upon such terms and conditions as the Cemetery Committee may determine.
2. Jews, as defined by Jewish Law (halacha), may be buried in the cemetery. The term or expression "Jewish person" as used in these rules and regulations shall be taken to mean and include all Jewish persons as defined by Jewish law (halacha). Burial is also available to a non-Jewish spouse, partner or dependent child of a Jewish member of Temple Beth Abraham, who is not practicing another religion. (Not practicing another religion is defined as follows: Not being a member of a congregation of another religion; not attending religious services and/or performing the rituals of another religion regularly or as an adherent, rather than as a family member or guest. Someone who has a symbol, such as a Christmas tree in the home, who attends the holy day celebrations of another religion with family or friends, or who occasionally attends religious services with family or friends who are not Jewish is not considered to be practicing another religion). The non-Jewish spouse/partner/dependent child must also be a member of Temple Beth Abraham. It is anticipated that couples will be buried side by side.
3. Jews who are not members of Temple Beth Abraham may purchase a lot or grave by permission of the Cemetery Committee upon such terms and conditions as the Cemetery Committee may determine.
4. The owners of any grave or lot and their families and friends shall be allowed access to the cemetery grounds at all reasonable times, provided they observe the rules which are or may be adopted for the regulation of visitors.

ARTICLE IV SALE AND TRANSFER OF CEMETERY LOTS

5. The purchaser of any grave or lot, upon full payment therefor, will become the Grantee and receive a burial plot certificate for said grave or lot indicating the number thereof upon a reference plan. The terms and conditions shall be in accord with these rules, regulations and other provisions governing the sale of graves or lots in the Temple Beth Abraham Cemetery then in force and shall be made subject to the right of the Cemetery Committee, to add to, alter, modify, amend, rescind or repeal, either in whole or in part, any of said terms, provisions, conditions, rules or regulations at any time or from time to time thereafter. The Cemetery Committee shall fix the number of graves to be placed in each lot and such limitation shall be identified in said burial plot certificate.
6. It shall be the duty of each owner of a grave or lot or of any party with interest therein to notify the Cemetery Committee of any change in his or her address. Notice sent at any time to a grave or lot owner or to any party with interest therein at the last address on file with the Secretary of the Cemetery Committee shall be considered sufficient and proper legal notification.
7. **Burial plot** certificates pertaining to a grave or lot in the cemetery shall consist only of the right of interment therein of any person or persons who at the time of exercise of said right shall be eligible to be buried in the cemetery in accordance with these rules and regulations, as they may from time to time be amended.
8. No grave or lot shall be divided into smaller portions than originally laid down in the cemetery plan as adopted by the Cemetery Committee, reference to which plan the grave or lot was sold by the Cemetery Committee to the original purchaser.
9. The burial plot certificate and any written agreements entered into between the Cemetery Committee and any lot or grave purchaser, shall be the sole agreement between the Cemetery Committee and the grave or lot owner. No statement, written or oral, or act, of any person purporting to act on behalf of the Cemetery Committee, inconsistent with the foregoing, shall in any way be binding upon the Cemetery Committee.
10. The burial plot certificate issued by the Cemetery Committee is for use only by the Grantee and his or her issue who are members. The Grantee has no right to transfer the lot. The lot shall revert to Temple Beth Abraham upon the impossibility of use by the Grantee and his or her issue.
11. A non-member Grantee who purchased a plot while a member shall be required to pay the non-member maintenance fee less any maintenance fee previously paid at the time of the original acquisition of the plot while a member.
12. A non-member entitled to a plot previously purchased by a member, but not the original purchaser of the plot, shall be required to pay the non-member maintenance fee.
13. Each burial plot certificate shall be signed and executed in the name of and on behalf of the Cemetery Committee by the Chair at the time of conveyance. No burial plot certificate shall be granted or delivered to any grantee nor to any person on his or her behalf until and unless the purchase price of the

grave or lot is paid in full and the grantee or a duly authorized representative with power of attorney shall acknowledge receipt of the burial plot certificate and the terms and conditions as may be required by these rules and regulations as they may from time to time be amended. Acknowledgement and receipt together with the agreed terms and conditions and the Religious Policies, as they may be amended from time to time, shall be signed by the recipient and inscribed in the burial plot certificate book. Current versions of these Rules and Regulations as well as the Religious Policies are available on the Temple Beth Abraham website.

ARTICLE V RECORD KEEPING

14. The Secretary of the Cemetery Committee or designee shall keep a record, map or plan of all graves and lots sold, which record shall also reflect every interment by the grave or lot number and the name of every person interred in any grave or lot.
15. The Secretary of the Cemetery Committee or designee shall keep a plan of the cemetery showing the unsold graves and lots and the current prices therefor.
16. A burial plot certificate book shall be maintained by the Secretary of the Cemetery Committee or designee in which shall be inscribed a record of every original burial plot certificate issued by the Cemetery Committee to the respective purchasers of graves or lots in the Temple Beth Abraham Cemetery. Each record shall identify the number of the grave, the name and address of the purchaser thereof, the price paid therefor, the date of payment and any other pertinent information required from time to time by the Cemetery Committee. In the event that any owner of a lot or grave or the holder of any burial plot certificate pertaining to a grave or lot, ceases to retain membership in Temple Beth Abraham, or is suspended from membership in the Temple Beth Abraham, or if any heir or devisee or distributee of a deceased lot or grave owner or any other person acquiring any interest in any said lot or grave shall at the time of any proposed interment therein be unaffiliated with Temple Beth Abraham as a member in good standing thereof, then, at the option of the Cemetery Committee an additional fee may be charged for each interment in said lot or grave, such fee to be determined by the Cemetery Committee either as a standing measure or in each individual case, as the Cemetery Committee may elect. Such fee, shall be paid in advance of any interment in said grave or lot.
17. Should any person owning any lot or grave, or any interest therein decease without making a devise thereof and without leaving any known Jewish heirs, then said grave or lot or interest therein shall revert to the Cemetery Committee.

ARTICLE VI INTERMENT

18. No grave or lot shall be opened for any interment nor shall any interment be made therein without the written consent of the Cemetery Committee.

Not more than one body, or the remains of one body, shall be interred in one grave except by written consent of the Cemetery Committee provided only that proper identification be made of such interment or

interments on one regulation marker and then only upon such conditions as the Cemetery Committee may impose.

No interment shall be made until the Cemetery Committee shall first be furnished with such permits as may now or hereafter be required by the laws of the State of New Hampshire, the ordinances of the City of Nashua, and the regulations of the Board of Health of said city, and following receipt of which the Cemetery Committee may issue its permission for interment.

19. The Cemetery Committee shall designate a separate area in the Beth Abraham Cemetery for interfaith burials. This area may also be used by Jewish individuals.

20. Neither Temple Beth Abraham nor the Cemetery Committee shall be in any way liable for any delay in the interment of a body where a protest to or against the interment has been made, or where these rules and regulations, as they may from time to time be amended, have not been complied with.

21. A cement liner must be used in each grave and consent for interment shall not be granted unless a cement liner is to be used.

22. Neither Temple Beth Abraham nor the Cemetery Committee shall be liable for the interment permit or for any error in the identity of the person sought to be interred.

23. A vested right of interment shall be terminated upon the interment elsewhere of the remains of the person in whom it was vested.

24. Whenever there are several owners of a grave or lot, or of rights of interment therein, the owners shall designate one or more persons to represent the grave or lot and shall file a written notice of such designation with the Cemetery Committee. In the absence of such notice or of written objection to its so doing, the Cemetery Committee shall not be liable to any owner, co-owner or other person for interring or permitting an interment in such grave or lot upon the request or discretion of any co-owner of such grave or lot.

25. No interments, disinterments, removals, or interment services shall be permitted on any day or time forbidden by Jewish law.

26. Grave or lot owners shall not allow any interment to be made in any grave or lot for remuneration.

27. In the event of any error involving the interment of the remains of any person, the Cemetery Committee shall have the right, as permitted by Jewish law to remove and re-inter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu of the mistaken property.

28. No disinterment from any grave or lot shall be made except with the express permission in writing of the Cemetery Committee and then only in compliance with Jewish and secular laws and ordinances then in force. Nothing contained in these rules and regulations is intended, however, or shall be construed to prevent the removal or disinterment of any body upon order or decree of a court of competent jurisdiction or upon order of any public office or authority having jurisdiction in the premises.

ARTICLE VII MARKERS

- 29.** No monument or grave marker or any other means of identification of a grave or lot shall be placed or be allowed to remain in any part of the cemetery without the written permission of the Cemetery Committee, and the same may be removed at the expense of the grave or lot owner by the Cemetery Committee if said permission has not been granted or if any said permission has thereafter been revoked.
- 30.** No permit to install a monument shall be given unless the design and size have first been approved by the Cemetery Committee. An exact sketch of each proposed monument shall be submitted to the Cemetery Committee prior to the approval of the design and size thereof by the Cemetery Committee.
- 31.** Inscriptions on monuments should include the name in English and the Hebrew name, which is usually 'so and so son/daughter (בן,בת) of so and so' as well as the date of birth and death using the Gregorian calendar for the English and Jewish calendar for the Hebrew. The custom is to start the inscription with the Hebrew acronym פ"נ, which stands for "Here is buried / פה נטמן, פה נקבר", and to end it with another acronym תנצב"ה, which stands for "May his/her soul be bound in the bundle of life / תהיה נפשו/נפשה צרורה בצרור החיים".
- 32.** Inscriptions for graves of non-Jewish members shall at least include the name of the deceased and date of death according to civil and Hebrew calendars. There will be no Hebrew name and no symbols from other religions. Consult with the Rabbi in advance about symbols with universal or non-sectarian meaning or that express connection with Judaism and the Jewish community.
- 33.** Only one upright monument may be erected on any one lot and the same shall be placed only in such position and location as shall be designated by the Cemetery Committee. A plot may additionally have a foot stone flush with the ground.
- 34.** For family monuments the surname of the original grave or lot owner must be inscribed on the monument in English and the name and other designs on the monument must be uniform on both the front and the back thereof.
- 35.** Each foundation for monuments shall be of solid - concrete and shall be installed by an approved supplier extending below the frost line along the full length and width of the base of the monument to be installed therein.
- 36.** The base of each monument on each eight (8) grave lot or on each six (6) grave lot shall be eight (8) inches in height of which six (6) inches shall be above the surface of the ground and two (2) inches shall be below said surface. Each base shall be no less than sixty (60) inches nor more than sixty-six (66) inches in width and eighteen (18) inches in thickness. Each base shall be smooth finished on the top and the sides and ends and shall have a two (2) inch margin around the top edge thereof.
- 37.** The base of any monument erected on a four (4) grave lot shall be not less than forty-eight (48) inches nor more than fifty-four (54) inches in width. All other requirements as to any monument on any four (4) grave lot shall be the same as herein before specified with reference to monuments authorized to be erected on any eight (8) grave lot of any six (6) grave lot.

- 38.** The upright or so-called die section of any monument to be erected on any eight (8) grave lot or any six (6) grave lot shall be twenty eight (28) inches in height, ten (10) inches thick and not less than forty eight inches nor more than fifty four (54) inches in width.
- 39.** The upright or so-called die section of any monument to be erected on a four (4) grave lot shall not be less than thirty six (36) inches nor more than forty two (42) inches in width and all other requirements or conditions with respect thereto shall be the same as herein before provided with respect to eight (8) grave lots and six (6) grave lots.
- 40.** The overall height above the ground of any monument to be erected on any lot whatsoever shall be thirty four (34) inches which specification shall include the die of twenty eight (28) inches in height and a base projection of six (6) inches above ground surface as aforesaid.
- 41.** All information pertaining to each individual grave whether a single grave or part of a lot shall be shown only on the grave marker the size of which is to be twelve (12) inches in width, twenty four (24) inches in length and eight (8) inches in depth. Each said marker shall be placed at the foot of the grave in a position and location designated by the Cemetery Committee. Each marker shall be set flush with the surface of the ground and shall be set on a cement foundation which shall solidly fill the space from the bottom of the marker to the top of the cement liner or other receptacle required to be installed in the grave
- 42.** Regarding single and double graves, installing monuments and markers shall conform to the provisions in paragraph 30.
- 43.** The Cemetery Committee shall have the authority to require lot owners to correct any errors made in connection with any marker or other monument erected on any grave or lot and to comply with all conditions imposed by the Cemetery Committee with reference to said markers or monuments.
- 44.** The Cemetery Committee is not obligated to replace or repair damage to any stone marker; the exception being damage to stone markers caused by equipment being used for maintenance or otherwise in the activities of the cemetery.

ARTICLE VIII LANDSCAPING

- 45.** All grading, landscape work, and improvements of any kind, and all care of graves or lots, shall be done or performed, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut, or removed, and all openings and closings of graves or lots, and all interments, disinterments, and removals shall be made, done or performed, only by permission of the Cemetery Committee and then only by persons designated or approved for such work by the Cemetery Committee.
- 46.** All alterations of individual property in the cemetery shall be under the direction of the Cemetery Committee and, should they be made without the written consent of the Cemetery Committee, the Cemetery Committee shall have the right to remove, alter or change such improvements or alterations at the expense of the grave or lot owner.
- 47.** The planting or removal of any flowers, floral designs, trees, shrubs, or plants, or herbage of any kind shall only be done with the consent of the Cemetery Committee.

48. No signs or notices or advertisements of any kind shall be allowed in the cemetery, unless placed therein by the Cemetery Committee.

ARTICLE IX CEMETERY COMMITTEE FUNDS

49. Fees for the purchase of lots or fees associated with interment, as may from time to time be set by the Cemetery Committee, may be used to offset Temple Beth Abraham Cemetery operating expenses as may be necessary or for other such endeavors related to the up-keep, maintenance or improvement of the Cemetery, as may from time to time be determined by the Cemetery Committee, or may be added to the Temple Beth Abraham Cemetery Maintenance Fund.

50. A maintenance fee, to be determined by the Cemetery Committee, associated with the purchase of all graves and lots, shall be set aside in a permanent fund to be called the Temple Beth Abraham Cemetery Maintenance Fund, and shall be used only in the manner and for the purposes hereinafter set forth.

51. The principal of said fund shall remain permanently invested, but the income therefrom shall be used to defray the cost of care and maintenance of lots of the Temple Beth Abraham Cemetery. Any portion of said income not required in any year for care and maintenance of said cemetery may, at the discretion of the Cemetery Committee, be withdrawn and used for the improvement of the cemetery or be added to the Maintenance Fund.

52. The expression "care and maintenance of the cemetery" includes the care, upkeep, embellishment, preservation, improvement, management and maintenance of all lots and graves in the cemetery, but shall not include any other work in connection with any monument or marker or the foundation thereof.

53. All other cemetery income from donations or from any other sources shall be used to defray Temple Beth Abraham Cemetery operating costs or shall be added to the Maintenance Fund at the discretion of the Cemetery Committee.

ARTICLE X ADMINISTRATIVE

54. In case of any action taken by the Cemetery Committee either with reference to any grave or lot in the cemetery or with reference to any interest in any grave or lot or with reference to the cemetery generally or any matters pertaining thereto, in connection with which an actual controversy or disagreement at such time exists between the Cemetery Committee on the one hand, and any person or persons claiming title to or an interest in any grave or lot in said cemetery on the other hand, that said claimant shall, during the duration of such controversy, be entitled to written notice of each and every determination made or action taken or proposed to be taken with reference thereto by the Cemetery Committee. Each said notice shall be in writing and shall, for the purposes hereof, be conclusively presumed to have been received by the person entitled thereto upon proof of the actual mailing thereof to said person postage prepaid, addressed to him or her at his or her last place of residence as then recorded on any of the records of Temple Beth Abraham or as then known to the Secretary of the Committee.

55. The expression "lot owner" as used herein shall include every person who at any time when any

matter or question shall arise relating to any grave or lot in said cemetery is then the owner of any said grave or lot or of any interest in any grave or lot in said cemetery.

56. In the event of any conflict between these rules and regulations as from time to time may be amended and in force and the provisions of any statutes, ordinances or provisions of common law, said statutes, ordinances or common law, as the case may be, shall govern and control.

57. Each and every noun and pronoun and the singular and plural of each of the same as used in these rules and regulations is intended to be used and, unless specifically provided to the contrary, shall be construed interchangeably wherever the same appears herein or in any future amendments or alterations hereof or additions hereto wherever the context either so admits or permits or requires.

ARTICLE XI AMMENDMENTS

58. These Rules and Regulations may be amended, in whole or in part, only in accordance with the following procedure:

1. The proposed amendment shall be approved by the Cemetery Committee at a duly held regular or special meeting, notice of which meeting shall include notice of the proposed amendment and a reasonably detailed description of the substance of the proposed amendment.
2. The proposed amendment may be presented to the Cemetery Committee by petition, in writing, signed by no fewer than three (3) members of the committee.
3. Upon approval of the proposed amendment by the Cemetery Committee, the proposed amendment shall be approved by affirmative vote of a majority of the Directors present and voting at the next regular or special meeting of the Board of Directors of Temple Beth Abraham, notice of which meeting shall include notice of and a copy of the proposed amendment.

These Rules and Regulations were approved at the regular meeting of the Cemetery Committee 10 September 2019.

These Rules and Regulations were approved at the regular meeting of the Temple Beth Abraham Board of Directors on 19 November 2019.

Attest:	Attest:
Chair, Cemetery Committee Alan Green	President, Temple Beth Abraham David Sacks
Attest:	Attest:
Secretary Cemetery Committee Bill Barry	Secretary, Temple Beth Abraham Mimi Goldman