

**RULES GOVERNING THE COLUMBARIUM  
FIRST EVANGELICAL LUTHERAN CHURCH  
1551 SOUTH 70th STREET  
LINCOLN, NE. 68516**

**I. PURPOSE**

The purpose of these rules is to set forth the way in which the Columbarium at First Evangelical Lutheran Church (hereinafter called the Church) is administered and controlled.

**II. DEFINITIONS**

- A. "Columbarium" means that portion of the Church grounds which includes the Columbarium niches and the immediate surrounding area.
- B. "Columbarium Committee" means the committee consisting of the Senior Pastor or his or her designee and six other individual members of the Church who have been appointed by the Congregation Council.
- C. "Niche" refers to the recessed enclosure of the placement of cremated human remains.
- D. "Eligible Persons" refers to baptized members of the Congregation, former members of the congregation, and the immediate family members of such persons.
- E. "Immediate family members" refers to parents, spouse or child(ren) (natural, adopted, foster, or stepchild) of an Eligible Person.
- F. "Reservation and use fee" means the fee per niche, which is payable to the congregation to obtain the privilege of exclusive reservation and use of a niche or niches in the Columbarium. The reservation and use fee shall be determined and may be changed by the Columbarium Committee at any time without notice.

**III. ADMINISTRATION**

The Columbarium, the space around it, its use and its maintenance shall at all times be under the full control of the Church. This control shall be exercised through the Columbarium Committee (hereinafter called the Committee) appointed by the Congregational Council.

The Committee shall meet as required, and those Committee members present shall constitute a quorum so long as all Committee members have been notified of the meeting at least 48 hours in advance. The Committee shall report at least annually to the Church.

#### **IV. THE COLUMBARIUM**

The Columbarium consists of a set of niches of uniform size for the placement of the ashes of cremated human bodies. Each niche shall have a metal nameplate, uniform in length, upon which shall be engraved only the date of birth, date of death, and the name of the deceased whose ashes it contains. Niche nameplates will be provided by the Church. Every attempt is to be made to keep the nameplates uniform on all niches. If additions are made to the Columbarium, to the extent possible, the same design shall be utilized as in the original installation.

#### **V. ELIGIBILITY FOR THE USE OF NICHES**

Placement or inurnment in the Columbarium shall be limited to baptized members of the Congregation, former members, and immediate family members of such individuals. Others may be placed or inurned with the special approval of the Columbarium Committee. The names of Eligible Persons whose remains are to be placed or inurned in a niche assigned shall be listed on the Certificate of Use. Upon request and approval by the Committee in its discretion, the names of other Eligible Persons may be added to or deleted from a Certificate of Use following its issuance.

#### **VI. RESERVATION AND USE PRIVILEGE**

The privilege to reserve or use a niche in the Columbarium is obtained by or on behalf of Eligible Persons by (a) payment in full of the then-current reservation and use fee for the privilege, and (b) signing the Reservation and Use Agreement. Alternatively, niches may be reserved by (a) payment of 25% of the then-current total amount for the reservation and use fee, with an additional 25% to be paid each year for three years following the date of the Reservation Agreement, or payment in full of the remaining balance of the reservation and use fee within that time, and (b) signing the Reservation Agreement. Reserved niches may be used, and a Certificate of Use will be issued, after payment in full of the reservation and use fee for the privilege. The reservation and use fee may be subject to change without notice in the event full payment of the fee is not received within three years of the date of the Reservation Agreement.

#### **VII. TITLE AND RIGHTS OF THE CHURCH**

Legal title of the Columbarium and all niches contained therein shall at all times remain in the Church. The right of reservation and use of the Columbarium niche(s) is a license to reserve and use niche(s) in the Columbarium of the Church, and is not a property right. The right to reserve and/or use niche(s) in the Columbarium may not be sold, gifted, conveyed, devised, assigned, or otherwise transferred.

The right to reserve and use a niche for the placement of cremated remains of an Eligible Persons, and to keep them there as long as the Columbarium is maintained by the Church is based upon the following conditions:

1. The purchaser of this right, who has paid the fee for the privilege in full, shall receive a Certificate of Use, signed by the Chair and Secretary of the Committee. This certificate will attest to the purchaser's exclusive right to use a niche(s) assigned by the Columbarium Committee for the inurnment or placement of the cremated human remains of an Eligible Person or persons listed on the Certificates.
2. Except as otherwise provided herein, there shall be no future charges or assessments after the fee has been paid in full.
3. Except as set forth below, the exclusive right to use a reserved niche may not be sold, gifted, conveyed, devised, assigned, or otherwise transferred. It can only be surrendered back to the Church for twenty-five percent (25%) of the fee paid for the privilege. In the event surrender of the reservation and use right occurs after the inurnment or placement of the ashes of an Eligible Person, or otherwise following the alteration of the niche or niches for such purposes, the right may be surrendered to the Church for twenty-five (25%) of the fee paid for the privilege less costs incurred or to be incurred by the Church to restore the niche or niches to their original and unmarked condition.
4. In the event the exclusive right to use a reserved niche or niches is not exercised by or on behalf of any of the Eligible Persons listed on the Certificate of Use issued to the Purchaser, within five (5) years following the death of the last surviving Eligible Person listed in the Certificate of Use as found in the records of the Columbarium Committee, the exclusive right to use the niche or niches reserved or to surrender the right shall expire, and the niche or niches may be reserved and reassigned at the Committee's discretion.
5. Where a Certificate of Use has not been issued for a niche or niches reserved, the right to reserve and use a niche or niches shall expire five (5) years following the death of the Purchaser or the Purchaser's surviving spouse, if any.
6. The Church reserves the right to move the Columbarium to another location should it be necessary to do so.

#### **VIII. RESERVATION AND USE FEE AND ASSIGNMENT OF NICHES**

1. The fee to obtain the privilege of exclusive reservation and use of a niche will be determined, and may be changed from time to time, by the Committee. The initial fee for reservation and use is \$1,000 per niche.

2. The amount of the fee per niche in excess of the fair market value of the niche(s) reserved will be considered a gift to the Columbarium Fund of the Church. The Committee will periodically review the fair market value of niches as reasonably necessary and at its discretion.
3. The assignment of niches shall be made at the sole discretion of the Columbarium Committee. The Committee shall maintain a current listing and/or diagram illustrating the Columbarium niches reserved and assigned.

#### **IX. THE COLUMBARIUM FUND**

The fee for the reservation and use privilege will cover the cost of the niche, installations and beautification of the area around the Columbarium, opening and closing of the niche, engraving of the name plate, and a residual to be maintained in a reserve account, separate from general Church funds, for the future needs related to maintenance, enlargement, or moving of the Columbarium.

#### **X. ACCESS AND RESTRICTIONS**

The Columbarium shall be open to visitors at all times when the Church is open to the public. No flowers, flags, insignias, or other decorations may be added except as approved by the Committee.

#### **XI. ADOPTION**

These rules were adopted by the Committee and ratified by the Congregation Council of First Evangelical Lutheran Church as of May 2006, and may be amended from time to time upon recommendation of the Committee and upon ratification by the Congregation Council.