

APPENDIX "D"

**Diocese of Worcester
Diocesan Cemeteries**

**Rules and Regulations
For
Columbarium/Niches**

These Rules and Regulations of the Diocese of Worcester and its Diocesan Cemeteries are adopted and apply to the Columbarium/Niches for the common protection of the purchasers of all Niches and the preservation of the memorialization of the Columbarium. All purchasers of Niches shall be subject to the rules and regulations, amendments or alterations as have been in place or shall be adopted by the Diocese and its' cemeteries from time to time. Reference to these Rules and Regulations in the deeds, grants, contract, or other instruments issued shall have the same force and effect as if they were set forth in full.

Columbarium

Shall mean a permanent structure, owned by the Bishop of the Diocese of Worcester and managed by the Diocesan Cemeteries group, located at St. John's Cemetery in Worcester containing Niches or other suitable spaces for the permanent memorialization of the cremated human remains.

Niches

Shall mean a discrete chamber designed, constructed, and intended for use as permanent inurnment of cremated human remains encased in an urn.

Inurnment

Shall mean the permanent placement of cremated remains in a niche, or space in a columbarium, owned by the Bishop of the Diocese of Worcester. The Grant or inurnment right in a niche gives only a right of inurnment of the cremated human remains, the ownership to land and structure remains in the Diocese of Worcester and its cemeteries.

Capacity

The capacity of each niche shall be stated on the Grant thereof and on the plan of the Columbarium, which shall be kept on file at the Office of the Cemetery.

License Holder

Is the Sole Purchaser of the licensed rights of a Niche, designated in, the Grant of Niche, by the Roman Catholic Bishop of Worcester, Corporation Sole and its Diocesan Cemeteries.

Conveyability and Devolution of Purchaser's Rights

The use of Niches is for license holders and their designee only and not for resale or profit. The Grantee of a Niche may convey it with the consent of his (or her) spouse to the Cemetery only, but only if no inurnment has been made therein; otherwise, it may not be conveyed. If a sole Purchaser dies intestate, right of inurnment in the Niche shall vest in his (or her) heirs-at-law but his (or her) spouse shall have a right of inurnment therein which may be released. A sole Grantee may, devise a Niche by express disposition or other mention of it in his (or her) will, but subject to the right of his (or her) spouse to inurnment therein, and, if an inurnment has been made therein, devise may be made only to a member of his (or her) family or a member of the family of the person inurned. If a sole Purchaser fails to make such express disposition or other mention of the Niche, it will not pass under the residuary or other general clause of his (or her) will but will vest in his (or her) heirs-at-law irrespective of whether or not a member of his (or her) death. Devisees or heirs-at-law may convey their undivided interest to one another only, and are otherwise subject to the limitations on conveyance and testamentary disposition which apply to a sole Purchaser.

Succession

Upon the death of any Grantee of a Niche, whether a sole Purchaser or a successor, it shall be the duty of the person or persons succeeding to his (or her) rights to file with the Cemetery satisfactory proof thereof including if such Grantee died testate, a certified or other authenticated copy of his (or her)-will as allowed by the Court and otherwise a true statement giving the names of all his (or her) heirs-at-law. The Diocesan Cemeteries and the management reserve the right not to permit any inurnment in the niche until such proof is presented.

Representative of Niche

After the death of the Grantee of a niche, the Grantee's spouse having a right of inurnment therein shall be the Representative for that niche, or among the devisees or heirs-at-law. The Representative shall have authority to act for all devisees or heirs-at-law on all matters respecting the niche.

Removal of Inurned Cremations

Except upon final order of a court having jurisdiction, the removal of cremations previously inurned in a niche is permitted only with the written consent of the management of the Diocesan Cemeteries and their designee.

Destruction or Damage of Niche

If the niche be destroyed or damaged for any reason, the Diocese of Worcester may cause any cremations inurned therein to be either (1) promptly interred elsewhere in the Cemetery, or (2) temporarily placed in a receiving tomb pending restoration of the niche, and upon restoration re-inurned therein, in each case as the Diocesan Cemeteries shall determine in view of the extent of the destruction or damage to the inurned remains, to the niche and the structure containing it, and

the advisability of restoration. In the event first above mentioned, adequate inurnment rights shall be provided by the Diocesan Cemeteries in lieu of inurnment rights in the destroyed or damaged niche, and all rights with respect to the destroyed or damaged niche shall terminate; in the second event above mentioned, all prior rights and obligations existing at the time of damage shall continue in full force and effect.

Full Payment

No inurnment shall be permitted in any niche for which full payment has not been received, or payment terms have been granted.

Urn or Container Required

No cremated human remains shall be received for inurnment unless it is contained in an urn or other suitable durable container, sealed and leak-proof. The Diocesan Cemeteries and the Bishop of the Diocese of Worcester shall not be responsible or liable for any defects in the urn or container. In case of said defect, the Grantee, his or her heirs, administrators, executors, or assigns' shall assume and be liable for any resulting damages there from, including expenditures incurred to remedy.

Inscription Work

All inscriptions on niche panels must be of standard types and sizes, approved by the management of the Diocesan Cemeteries. A charge, which shall be payable in advance, shall be made before any inscription work shall be started.

Removal of Panels

Niche front panels may not be removed or disturbed in any manner except by approval and by Diocesan Cemetery Staff.

No Alterations

No ornamentation, structural change, or addition shall be made on or about any niche, other than cemetery approved bud vases, and the Diocese and management of the cemeteries reserves the right to remove any such ornamentation or correct any such alteration at the expense of the Purchaser.

Floral Memorials on Niche Panels

No floral pieces or attachments are allowed on the crypt front panels by use of tape or any other method of securing other than the flower vases available and installed from the Cemetery by Diocesan Cemetery staff.

Open Hours for Visitation

Hours of visitation will be common to the open hours of the cemetery. Typically, 8am to dusk based on the time of year (ref. daylight savings time). Open hours for visitation will be posted on the "Cemetery Announcement Board" at the left hand side entrance of the Cemetery. Hours are subject to change without notice due to vandalism that might occur in the Mausoleum Chapel. Posting of that change will be on all entry doors to the Mausoleum Chapel and will be reviewed periodically.