

BY-LAWS

MCHENRY COUNTY JEWISH CEMETERY CORPORATION

ARTICLE I

NAME

This Corporation shall be known as: “McHENRY COUNTY JEWISH CEMETERY INC.”

ARTICLE II

PURPOSE

The purpose of this Corporation is to own, operate and maintain a cemetery for persons of the Jewish faith principally in McHenry County, Illinois as may be prescribed by these By-Laws, and to that purpose, purchase, lease, or otherwise acquire such parcel or parcels of land as may be necessary or expedient to carry out the purpose of this Corporation; and to do any and all other things necessary or advantageous to accomplish the purpose herein set forth; and for such other purposes as may be determined from time to time by the officers and members of this Corporation.

ARTICLE III

MEMBERSHIP

SECTION 1. The members of this Corporation shall consist of those individuals as noted on Exhibit A and such other persons who may qualify for membership in this Corporation from time to time.

SECTION 2. Any person of the Jewish faith who owns by purchase a plot in the cemetery property of this Corporation, whether said plot be occupied or unoccupied, improved or unimproved, shall be reason of such ownership be considered to be a member of this Corporation.

SECTION 3. Any surviving non-Jewish spouse or child who hereafter becomes an owner shall at such time automatically become a non-voting member of this Corporation.

ARTICLE IV

PRIVILEGES OF MEMBERSHIP

SECTION 1. A member shall be entitled to all the privileges of membership in the Corporation as set forth herein.

SECTION 2. A member of the Corporation in good standing shall be entitled to the following privileges:

(a) A member shall have the privilege of voting at all meetings of the Corporation in accordance with these By-laws.

(b) Any person of the Jewish faith who owns by purchase, bequest, or the laws of descent an unoccupied plot in the cemetery of this Corporation shall by reason of such ownership be considered to be a member of the Corporation, and entitled to one (1) vote. An owner who owns more than one Plot shall only have a single vote, and in the case of multiple owners of a Plot or Plots, there shall be designated a single person who shall have the right to exercise a vote on behalf of the owners or entity.

In case of doubt or uncertainty as to the ownership or title to any plot, the Board of Directors shall determine the person or persons who may be entitled to ownership, and the decision of the Board of Directors shall be final.

(c) A member shall have the privilege of election as an officer or director, provided, however, that only members who: (i) are of the Jewish Faith and (ii) have been bona fide residents of McHenry County, Illinois for two (2) years shall be eligible for election as an officer and/or director.

(d) A member shall have the privilege of burial in said member's plot in the cemetery operated by this Corporation.

(e) The owners of plots shall have the right to assign or sell plots to anyone of the Jewish faith other than their family members, or the cemetery Corporation, only after first offering same to the Corporation. The Board of Directors of this Corporation shall have the right to purchase any plot from any owner thereof at the price at which it was sold to said owner. The owners of plots, shall agree to

submit to the Cemetery Corporation all designs for headstones, markers or memorials and plantings for the approval of the Board. They further agree to pay for any work done for them by the Cemetery Association.

ARTICLE V
BOARD OF DIRECTORS

SECTION 1. The Board of Directors of this Corporation shall consist of nine (9) duly qualified members. Of the nine (9) at least five (5) must be current members in good standing of McHenry County Jewish Congregation .

SECTION 2. The first Board of Directors shall be those named and designated in Exhibit A as attached to these By-Laws, and such members of the first Board of Directors shall each respectively serve for the period of time therein designated.

SECTION 3. Upon the expiration of the respective terms of those of the first Board of Directors whose terms expire at or prior to the annual meeting in 2011, an election shall be held to fill the vacancies thereby created, and the term of office of such Directors so elected shall be for three (3) years, and thereafter his/her successor shall likewise be elected for a term or terms of three (3) years.

SECTION 4. Upon the death, resignation, or vacancy created for any reason whatsoever, of any member of the Board of Directors named herein, an election of the membership of the Corporation shall be held to fill such vacancies on the Board of Directors; provided, however, the term of such successor or successors shall be for a term designated by the Board of Directors, not to exceed the balance of the term of the former Board Member.

SECTION 5. Members of the Board of Directors of the Corporation and their successors in office, whose terms expire, shall stand for election at the annual meeting of the Corporation, to be held on a date to be set by the Board of Directors. Notice of the annual meeting of the Corporation shall be given to the members of the Corporation by a notice sent out to all members at least fourteen (14) days prior to such meeting, designating the time, place, and purpose of the meeting.

SECTION 6. It shall be a requirement for election as a member of the Board of Directors that such person shall have been a bona fide resident of McHenry County, Illinois, at least two (2) years preceding his/her election.

SECTION 7. Members may vote at an annual or special meeting of the Association in person or by proxy.

ARTICLE VI

OFFICERS

SECTION 1. The Board of Directors at its annual meeting shall elect from the Board of Directors a President, Vice-President, Secretary, and Treasurer, all to be elected for a term of two (2) years. All officers shall take office at the annual meeting at which they are elected.

SECTION 2. Vacancies in the Board of Directors shall be filled between annual meetings of the Corporation by majority vote of the remaining directors present and voting. The President is authorized to fill by appointment vacancies in the Board of Directors between meetings of the Board subject to confirmation at the next meeting of the Board of Directors.

SECTION 3. Vacancies in any office shall be filled at a meeting of the Board of Directors called for said purpose.

SECTION 4. Election of officers by the Board of Directors shall be by written ballot.

SECTION 5. Meetings of the Board of Directors shall be called by the President or upon the written request of three (3) members of the Board of Directors. Notice of Board meetings may be written or verbal by seven (7) days notice prior to the meeting of the Board.

SECTION 6. The duties of the President shall be to act as Chairman at all Corporation and Board of Directors meetings; to appoint Committees, all of which he/she is to be an ex officio member; to call special meetings of the Corporation after written request of ten (10) members; to call special meetings of the Board of Directors at the written request of six (6) members; to sign all legal documents; to make an annual report of the status of the Corporation, at its annual meeting; and to perform all the duties incident

to the office.

SECTION 7. The Vice-President shall, in the absence of the President, assume all of his/her duties and responsibilities.

SECTION 8. The Secretary shall take and read minutes, report communications, be custodian of the Corporation's seal, and perform such duties as his/her office requires.

SECTION 9. The Treasurer shall mail bills; receive monies and give receipts when necessary; deposit all monies in the name of the Corporation, in the bank or banks designated by the Board of Directors, for the deposit of Corporation funds; sign all checks together with the President; make written reports to the Board of Directors, and an annual , and more often; if requested, to the Board of Directors and to the Corporation on the status of the treasury, and perform all other duties incident to his/her office.

ARTICLE VII

MEETINGS

SECTION 1. The annual meeting of the members of the Corporation shall be held on the third Sunday of May of each year (except in the case of Shavout falling on that Sunday, in which case the meeting shall be the preceding Sunday), following which the annual meeting of the Board of Directors shall be held.

SECTION 2. The Board or Directors of the Corporation shall meet as needed, but at least annually on the second Sunday in April (except in the case of Passover falling on that Sunday, in which case the meeting shall be the preceding Sunday).

ARTICLE VIII

QUORUM

SECTION 1. A quorum at the annual meeting of the Corporation shall be ten (10) voting members present in person or by proxy.

SECTION 2. Four (4) members of the Board of Directors shall constitute a quorum.

ARTICLE IX
COMMITTEES

SECTION 1. The President shall be Ex Officio member of all Committees and shall appoint such Committees as shall be necessary from time to time.

ARTICLE X
FISCAL YEAR

SECTION 1. The fiscal year shall begin on the first day of January and end on the thirty-first day of December of each year.

ARTICLE XI
NOMINATIONS

SECTION 1. Nominations of all Directors for the first election shall be made by a Nominating Committee appointed by the President. The Nominating Committee shall consist of three (3) members of the Board of Directors whose terms of office do not expire at the next ensuing election, and two (2) members of the Corporation at large.

SECTION 2. The slate of nominees shall consist of one nomination for each Director whose term of office shall expire at the close of the then fiscal year.

SECTION 3. Nominations by the Nominating Committee shall be reported to the Board of Directors. Notice of the nominations shall be given to the members of the Corporation by mail sent at least fourteen (14) days prior to the annual meeting of the Corporation.

SECTION 4. Nomination may be made from the floor at the annual meeting of the Corporation in addition to nominations previously made by the nominating committee.

ARTICLE XII
RULES OF ORDER

SECTION 1. Robert's Rules of Order, latest revised edition, shall be the authority for Parliamentary procedure, which shall be followed at all meetings of this Corporation.

ARTICLE XIII

SECRETARY

SECTION 1. In addition to the other duties herein set forth, the Secretary shall keep a register of the members of the Corporation, with complete details as to their families/contact information, etc. In addition, the President shall be provided a copy of said list of owners.

ARTICLE XIV

STANDING COMMITTEES

SECTION 1. The Standing Committees of the Corporation shall be the following:

- (a) Landscape and Perpetual Care
- (b) Marketing/Sales/Finance
- (c) Operations/Rules/By-Laws

SECTION 2. Each Standing Committee shall consist of three members, to be appointed by the President, in addition to the President as an Ex Officio member thereof.

SECTION 3. The Landscape and Perpetual Care Committee Shall insure that the cemetery property of the Corporation is kept in good order and repair, and shall confirm that Oakland Cemetery properly maintains the plots entitled to perpetual care; and shall approve all plans for monuments and landscaping on members' plots. No monuments shall be erected or landscaping performed without the prior approval of the Landscape and Perpetual Care Committee in accordance with applicable provisions of the Oakland Cemetery rules and regulations.

SECTION 4. The Board of Directors is authorized to establish regulations to insure conformity of landscaping and monuments.

SECTION 5. The Marketing/Sales/Finance Committee shall oversee the marketing and sales of plots in accordance with the Charter and By-laws of the Corporation. This Committee shall prepare an

annual budget and submit same to the Board of Directors at the Board of Directors' annual meeting for approval, and shall submit recommendations to the Board of the Directors for charges for burial spaces and any other charges.

SECTION 6. The Operations/Rules/By-Laws Committee shall be responsible to review the operation of the Cemetery and the Rules and By-Laws no less than annually, as well as be responsible to address any issue or questions that may arise from time to time as related to the operation of the Cemetery.

ARTICLE XV

OPERATION

SECTION 1. The operation of the cemetery of the Corporation shall be under the direction of the Board of Directors which shall have the sole power to fix the price of plots.

SECTION 2. Interrment of the indigent shall be made throughout the entire cemetery, as directed by the Board, and no particular place or portion of the cemetery shall be designated as a section set aside for the indigent.

SECTION 3. The only religious burial service or ritual conducted at the cemetery shall be of the Jewish faith. A religious burial service may only be conducted by a Rabbi, Cantor, or Jewish layperson of the Orthodox, Conservative, Reconstructionist, Renewal, or Reform streams of Judaism.

SECTION 4. The foregoing notwithstanding, a civil or lay officiation may occur if requested by the family of the deceased. No Clergy of any other religious tradition may officiate at a burial in his/her role as an officiant of another religion's traditions at the burial of a non-Jew in the Inter-married Burial Section. The only denominational religious ceremonies shall be those of Jewish traditions. There shall be no usage of symbols, garb, or language unique to non-Jewish traditions (e.g. Christian references or physical symbols) during the interment, creation of the monument, unveiling of the monument, or on-

going maintenance and care of the Plot. The text of the service and the officiant would be subject to review by the Cemetery's current Rabbi prior to the burial.

SECTION 5. A portion of the cemetery owned by this Corporation, known as the "Inter-married Burial Section", shall be set aside for the interment of anyone not of the Jewish faith whose spouse/domestic partner or parent is of the Jewish faith. Except as otherwise approved by the Cemetery Board or applicable Committee any burials in the Inter-married Burial Section shall comply with the rules and regulations as set forth herein. If the non-Jewish spouse/domestic partner (or their non-Jewish child) in an inter-faith marriage predeceases the Jewish family member, said person may be interred in the Inter-married Burial Section on the condition that the Jewish family member purchases (or has purchased) a plot for him/herself at the time of burial of the non-Jewish spouse/domestic partner or child.

SECTION 6. The "Cemetery's Rabbi" shall be the then current Rabbi of McHenry County Jewish Congregation unless otherwise directed and appointed by the Board.

SECTION 7. In addition to these By-Laws, attached hereto are the Rules and Regulations for the Cemetery. The Rules and Regulations shall be under the purview of the Board of Directors, and shall be subject to amendment by a simple majority of the Board.

ARTICLE XVI

GIFTS, LEGACIES and/or ENDOWMENTS

The Board of Directors shall be authorized to accept any gift, legacy or endowment for use in connection with the operations, and for the general use of the cemetery of the Corporation.

ARTICLE XVII

FORFEITURE OF OFFICE

Any officer or member of the Board of Directors who shall fail to attend four (4) consecutive meetings of the Board of Directors without first obtaining leave of absence for good cause, shall

automatically create a vacancy in said office and on said Board of Directors.

ARTICLE XVIII

AMENDMENTS

SECTION 1. The By-laws of this Corporation are to be made, authorized or rescinded only in the following manner: such making, authorization or rescission must be presented in writing and shall be proposed by the Board of Directors and approval of eighty (80) percent of the entire Board of Directors at either a regular or special meeting.

SECTION 2. Following approval by the Board of Directors as herein provided, the same shall then be approved by a majority of votes present in person or by proxy and voting at a regular or special meeting of the general membership of the Corporation; provided, however, that before such approval of a majority of the votes of the general membership of the Corporation shall have any effect, there must be present in person, or by proxy, at said meeting at which said vote is taken not less than two-thirds (66.67%) of the members of the Corporation entitled to vote.

APPROVED this 12th day of July at a meeting of the Corporation.

/S / _____
President

ATTEST:

/S / _____
Secretary

“McHenry County Jewish Cemetery Inc. is organized and existing under the law of the State of Illinois.”

“McHenry County Jewish Cemetery operates in accordance with the Laws of the State of Illinois and the Rules and Discipline of the Board of Management. It reserves the right to refuse admission to the Cemetery and to refuse any of the Cemetery’s facilities at any time to any person or person whom the management may deem objectionable to the best interest of the Cemetery.”

McHenry County Jewish Cemetery Corporation

**WOODSTOCK, ILLINOIS
RULES AND REGULATIONS**

1. All lots and graves in the Cemetery shall be used for no other purpose than a place of burial for the dead of those of the Jewish faith (or immediate family as defined herein, if within the “Intermarried Burial Section”). All lots shall be held subject to the Rules and Regulations heretofore established or

which may hereafter be established whether or not the same appear in the Rules and Regulations annexed in the burial grant of such lots and graves.

2. Any transfer or assignment of any lot or grave, or of any interest therein shall not be allowed except as follows. Lot owners wishing to sell their unused Plot, must sell through the Cemetery. There will be a minimum administrative fee of One Hundred Fifty Dollars (\$150.00) per Plot. The Cemetery further shall have the right to purchase the Plot(s) at the same price as offered to the proposed purchaser.

3. No others than those dying in the Jewish Faith shall be interred in this Cemetery, and the Cemetery shall have the right to disinter any other buried therein of one not dying in the Jewish Faith, except as provisions are made for Inter-married Interment in Article XV Section 4.

4. Except as may be required by court order, no disinterment shall be allowed except by consent of the Cemetery which may require the consent of additional persons required, and upon the written consent or order of the owner or owners of the plot, and the work of disinterment shall be made only by the Cemetery. A fee of \$100.00 will be made for necessary Cemetery services in connection with a disinterment. (This excludes any excavation fees or other fees as imposed by Oakland Cemetery Rules) Upon a disinterment, the Plot shall, if not re-interred, be returned to its original condition and level.

5. An order in writing is required from a plot owner or his legal representatives, whenever a grave is to be opened, or other work to be done upon the lot or grave, and orders to open graves shall allow at least (12) hours of daylight time for necessary labor.

6. Plot owners shall pay the established charge through Oakland Cemetery's grave digger for opening and closing graves or vaults, and all such graves or vaults shall be opened and closed by Oakland Cemetery, or others as may be approved by Oakland Cemetery from time to time.

7. All plantings of , shrubbery, hedges, trees or any ornamental plantings, whether on the plot must be done by the Cemetery or as provided for by Oakland Cemetery. The Cemetery reserves the right of removing, at the expense of the plot owner, any shrubbery, hedges, trees or other plantings of any nature planted by a plot owner which is not previously approved by the Cemetery.

8. Lot or grave owners must not cut down or remove any shrubs, hedges or trees without permission from the Cemetery.

9. All floral designs when faded, dead flowers and broken flags will be removed from the Cemetery. Artificial flowers are discouraged, and if placed may be removed at the discretion of the Cemetery.

10. In making excavations the Cemetery reserves the right to temporarily use the adjoining lot or lots to receive such tools, derricks and materials as is necessary to perform all work.

11. The Cemetery from time to time may lay out or alter such Avenues or Walks or make such rules and regulations for the government of the grounds as they may deem requisite and proper to secure and promote the general objectives of the Cemetery.

12. The owners of plots and their families will be allowed access to the grounds at all times, observing the rules which are, or may be adopted, for the regulation of visitors by Oakland Cemetery.

13. The Cemetery gates will be opened during those hours as may be implemented from time to time by the Oakland Cemetery of which this cemetery is a part of.
14. Plot owners and others are required to prepay all charges of the Cemetery and/or Oakland Cemetery for disinterment, openings and closing of graves, special care and for any other work and materials.
15. No burial shall be allowed in any grave against which there shall appear any charges of the Cemetery, due or unpaid.
16. In all cases of burial the funeral home must consult the management of Oakland Cemetery and arrange for the time of the funeral and provide reasonable notice prior to the arrival of the funeral cortege at the Cemetery to make proper preparations therefore.
17. After an interment, where a plot owner desires special planting of a grave, a charge will be made for same. All work done by the Oakland Cemetery for a lot or grave owners shall be based on the current established charge schedule. Lot and/or grave owners and others are required to pay all charges of the Oakland Cemetery per their most current rules and procedures.
18. All designs for monuments, headstones and/or markers must be submitted to the Cemetery for approval. The design or sketch shall show the size of the monument, headstone and/or marker, the lettering to be used thereon, the materials to be used, inscriptions, and the name of the quarrier, and the completed mausoleum, monument, headstone and/or marker shall conform strictly to the approved sketch or design submitted. No grave marker shall contain a cross or any other Christian or other religious symbols other than a Judaic Symbol.
19. All excavations for monuments, tombs, or markers and all concrete foundations for the same must be built by Oakland Cemetery or its agents. Unless otherwise agreed in advance by Oakland Cemetery, no monument dealers, agents, or any workmen are permitted to do any concrete foundation work for monuments to be installed. On monuments, tombs, etc., where additional lettering and/or repair work is required, monument dealers, their agents or workmen will be required to remove same from the Cemetery grounds for completion.
20. In moving materials for monuments, tombs, etc., intervening lots shall, to the extent practical, not be trespassed upon. The paths are to be used in all cases, unless special permission is obtained from the Cemetery and the lot owners affected. Memorial dealers will be held responsible for any damages.
21. No work will be allowed to be left by a monument dealer in an improper or unfinished state at any time, and should such occur, the same may be properly completed by the Cemetery or Oakland Cemetery, and the expense of such completion will be charged to the lot owner and/or monument dealer.
22. All monument dealers, contractors, or workmen engaged in the construction of tombs, erection of monuments etc., must be subject to the supervision of the Cemetery; and any workman, contractor and/or monument dealer failing to conform to this and/ or other regulations will not be permitted afterwards to work in the grounds.
23. Monuments, headstones, markers or memorials of any nature which have fallen, sunken, leaned or which required repairing will be removed by order of the Cemetery unless replaced or repaired by the owners within ninety (90) days after notification by the Cemetery.

24. All vaults, monuments, markers, etc., shall be of fine quality material only. All vaults shall be “bottomless”. Old or second hand granite, building materials or any substitutes will not be permitted. The erection of or any wood or iron or any imitations are prohibited.
25. No markers less than standard size, 24 inches by 12 inches and 36 inches by 12 inches, are permitted for single graves, respectively. Sizes of markers for infants, children and three or more adjoining graves shall be by applicant only.
26. No monument, headstone or marker may be erected on a plot until all charges in connection with the purchase of said plot have been paid in full.
27. All monument dealers, or their workmen authorized to do monumental work in the Cemetery, viz: erecting mausoleums, tombs, or monuments, setting grave markers or ordering foundations for them or doing any work pertaining thereto, must present at the Cemetery office a written order, signed by the owner of the plot, giving his authority to order foundations and to do such work, and obtain a permit from the Cemetery before commencing the work, or bringing any materials into the grounds, and such permit shall be shown whenever demanded by the Superintendent of any officer of the Cemetery.
28. No monuments, memorials or markers shall be removed from the Cemetery for any reason whatsoever without written permission from the Cemetery.
29. A two week period for erection of foundations is required by the Cemetery. Requests for allotting time for dedication of monuments must be made two weeks in advance.
30. The Cemetery reserves the right to revise all or part of these Rules and Regulations from time to time or make any changes, modifications, amendments or additions thereto as may be necessary for the proper administration and conduct of the Cemetery.
31. Descriptions of lots will be in accordance with the Cemetery, plats which are kept on file in the management office of the Oakland Cemetery and at the Cemetery office.
32. The Management will take all reasonable precautions to protect lot owners, and the property rights of plot owners, within the Cemetery from loss or damage; but the Cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, as an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
33. The Cemetery will not be liable for the interment permit nor for the identity of the persons sought to be interred.
34. The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removal, or in the description, transfer or conveyance of any interment property, without liability to the Cemetery, either by cancelling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Management, or, in the sole discretion of the Management, by refunding the amount of money paid on account of such purchase. In the event of such error shall involve the interment of the remains

of any person in such property, the Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Tentative-

President-

Vice President

Treasurer- Herb Franks

Secretary- Ellen Levy