

ARTICLES OF ASSOCIATION OF THE KENDALIA CEMETERY ASSOCIATION (KNEUPPER CEMETERY)

ARTICLE I

HISTORY

In a meeting on February 29th, 1924, the Kendalia Cemetery Association was organized with John Kneupper appointed President. The cemetery (in its present form) came into existence with the reservation of approximately .4591 acres of land sold to John Kneupper, President of the Kendalia Cemetery Association by A.C. & Minnie Kneupper on the 27th day of March, 1926, of record at, Vol 1, Page 523 in the Kendall County Deed Records. John Kneupper in turn donated the land to the Kendalia Cemetery Association.

A second meeting of the Kendalia Cemetery Association was held on April 19, 1969 with Emil Kneupper, Chairman and Walter Wengenroth and Eddie Krause, Co-Chairmen. Donations were collected from those present to erect a four foot chain link fence around the cemetery.

On the 22nd day of April, 1983, 0.045 of an acre of land was sold to Maurice and Agnes Neill by Eddie and Nell Rose Ludolf, of record at, Vol 208, Page 789 in the Kendall County Deed Records. The Estate of Maurice Neill and Agnes Grace Kneupper Neill in turn donated the land to the Kendalia Cemetery Association (Kneupper Cemetery) on the 20th day of March, 1986, of record at, Vol 260, Page 350 in the Kendall County Deed Records.

On the 17th day of March, 2001, the Kendalia Cemetery Association (Kneupper Cemetery) purchased from Nell Rose Ludolf, The Widow of Eddie Ludolf, 0.249 of an acre of land.

Reference to these deeds are hereby made and incorporated herein by reference. Since said conveyance the said tract was and is used entirely as a cemetery and for cemetery purposes, as defined by Sub-section (6) of Section 711.001 of the Texas Health and Safety Code.

ARTICLE II

Legal Nature of the Cemetery Association

The organization is and shall be a Texas unincorporated non-profit association as defined by Article 1396-70.01 of the Revised Statutes of Texas. It shall be deemed to be and shall be operated as such. The situs and legal domicile of the Association shall be Kendall County, Texas. It shall be known as the Kendalia Cemetery Association.

ARTICLE III

Governance, Ownership, and Control

The Cemetery has been and shall be a family or community cemetery as defined by Sub-section (g)(1) and (g)(2) of Section 71.021 of the Texas Health and Safety Code.

Ownership and control of the Association, and its assets and properties, shall be and is hereby vested in a three (3) member Board of Directors referred to in Sub-section B (11) of Section 711.001 of the Texas Health and Safety Code and Article 1396-70.01 of the Revised Civil Statutes of Texas. The President, Secretary, and Treasurer shall be elected from the Board at its first meeting. Each director shall be and is hereby accorded all of the powers, duties, and immunities granted by law to a Cemetery Keeper by Section 711.009 of the Texas Health and Safety Code, as well as the powers and authority found in and accorded by Article 1396-70.02 of the Revised Civil Statutes of Texas.

The Board of Directors and its officers shall have and are accorded each and every power and authority permitted by Chapter 711 of the Texas Health and Safety Code, the Texas Uniform Unincorporated Non-profit Association Act, and the general law.

In the event of death, disability, or resignation of a Director, the vacancy created by such event shall be filled by appointment by the remaining director or directors.

ARTICLE IV

Title to Association Real Property

Legal title to the real property owned by the Association shall remain in the Board of Directors, subject to the rights of Plot Owners, present and future, to use said plots for the purposes of interment allowed and limited by the applicable laws and regulations promulgated by the Directors, in a manner allowed by these Articles of Association, and by Article 1396-70.01 of the Revised Civil Statutes of Texas.

ARTICLE V

Sale of Cemetery Plots

Plots shall be sold by the Directors, for such amounts and on such terms, as they may deem proper, all as permitted and in accordance with Sections 5 and 6 of Article 1396.70.01 of the Revised Civil Statutes of Texas, as well as the prerequisites of Section 711.038 of the Texas Health and Safety Code.

ARTICLE VI

Fiscal Provisions

Books and Records: The Directors shall keep adequate books and records which shall be open to inspection by Plot Owners at reasonable times and places as required by Section 11(a) of Article 1396-70.01 of the Revised Civil Statutes of Texas.

Records of Interment: Records of interment, containing the information and in accordance with the provisions of Section 711.003 of the Texas Health and Safety Code shall be maintained by the Association.

Bank Account: The Board of Directors shall establish and maintain an account or accounts at a local bank or other financial institution of its choice.

ARTICLE VII

Meeting of the Board of Directors

The Board of Directors will hold such meetings as it deems necessary, at such times and places as they may choose. Notice of the time and place of any such meeting shall be posted at the appropriate place in the cemetery at least forty-eight (48) hours prior to said meeting. The Board of Directors shall keep records and minutes of its meetings, which shall be open to attendance and to inspection by the Plot Owners at reasonable times and places.

ARTICLE VIII

Upkeep of Common Spaces

The Board shall provide for maintenance and upkeep of the common spaces in the cemetery and shall try to include Plot Owners in assisting such upkeep.

ARTICLE IX

Acquisition of Additional Property

The Association may, from time to time, acquire additional real property. Provided, however, that any new real property acquired shall be contiguous to the present Cemetery and that the Association shall not acquire more than an aggregate of ten (10) acres, including that it presently owns.

ARTICLE X

Dedication and Statement of Authority

As soon as practicable, the Board of Directors shall cause the present land (and any that it may acquire in the future) to be surveyed and platted, which said plat shall show the plots or grave spaces situated within the perimeter boundary. Each plot shall be given a specific unique number which shall be reflected on the survey or plat.

The Directors shall then cause to be filed a map or plat of the Cemetery with the County Clerk, together with a Certificate or Declaration of Dedication of the property for Cemetery purposes, all as described and allowed by Section 711.034 of the Texas Health and Safety Code.

The Directors shall also execute and file a statement of Authority pertaining to its real property, which will satisfy the requirements of Section 6 of Article 1396-70.01 of the Revised Civil Statutes of Texas.

If necessary, the Board shall file such instruments with the County Clerk of Kendall County in such form as will satisfy the requirements of Section 711.034 of the Texas Health and Safety Code.

ARTICLE XI

Charitable and Tax Exempt Status

As soon as possible, the Board of Directors shall prepare and file with the appropriate state and federal offices such papers and other instruments and assurances as are required to give the Association non-profit status and shall take such actions as may be necessary to insure and maintain such charitable and tax exempt status.