

Evergreen Cemetery Association

Lot Owner's Guide

Revised September 18, 2024

Evergreen Cemetery Association
1105 Third Avenue NE
Brainerd MN 56401

(218) 829-5898

evergreencem@brainerd.net

<http://www.evergreencemeterybrainerd.com>



INTRODUCTION

This brochure serves as a modest introduction to Evergreen Cemetery and Memorial Gardens Cemetery.

The Evergreen Cemetery Association was Incorporated in 1879 and the Cemetery has been in continuous operation ever since. The Association took over management of Memorial Gardens in 1972 at the request of the current lot owners after the for-profit cemetery went out of business.

It is the aim of the Association board members and its employees to make our cemeteries quiet, beautiful resting places for the dead, where well kept turf and varied foliage of trees and shrubbery shall give a sense of repose.

Dedicated staff members are ready to assist you with your burial needs - whether you are a current lot owner or are searching for a future resting place for yourself or your loved ones.

Our Executive Director can answer any questions you may have about lot ownership or about purchasing lot(s) at Evergreen or Memorial Gardens Cemeteries.

Our Grounds Superintendent possesses knowledge of the physical aspects of the cemeteries and will have the answers for any grounds or lot maintenance questions.

Board members (see back page or the Contact Us page on our website) can assist in answering Association-related questions you may have.

We hope that you will enjoy your visit.

PLANNING

Planning a funeral can be stressful. But there is help available. Funeral Directors know how to guide families through the process. And the staff at Evergreen Cemetery Association can help with burial details.

Inquiries about purchasing grave sites or locating those already owned can be answered by the Association staff. Referrals to marker and monument providers are available. A price list is published as a helpful tool to determine costs.

If you already own a lot and need to know how many graves are still available on the lot for burials, office personnel can consult the records and tell you which graves are still available.

Whether you are planning ahead for yourself or taking care of a family funeral, the Evergreen Cemetery Association office should be one of your first stops.

VISITING

Our website (see cover for the URL) has a [*Directory of the Dead*](#) that has all known burials in Evergreen and Memorial Gardens. Before arriving at the Cemetery you can find the location of a burial by consulting that Directory. Plat maps for each of the burial areas are available on our website via the "Maps / How To Find A Burial Site" menu item. You can also stop by the office for directions to the burial site.

The Association intends to keep the grounds well-maintained. Mowing, trimming, etc, depend heavily on the weather and on the work load of the cemetery grounds workers so bear with us if the grass is a bit long.

As per our Rules and Regulations, dogs and other pets are not allowed on the cemetery grounds.

BURIALS, LOTS AND SERVICES

In Evergreen Cemetery, there are limited traditional grave sites and some cremation sites available.

At Memorial Gardens, many traditional gravesites are available in the Garden of Paradise (where upright monuments are allowed in lots of the proper size), in the Garden of Devotion, and the Garden of the Christ.

A burial vault must be ordered through the Funeral Home when making funeral arrangements for traditional burials. They will handle pricing and payment.

Cremated bodies may be buried on any traditional lot. They are also permitted as a second or third burial on a traditional gravesite, providing certain criteria are met.

Evergreen also has a Cremation Section dedicated to cremation burials.

At Memorial Gardens, two columbaria to accommodate the modern trend toward cremation have been installed.

Cremated bodies must be interred only by cemetery staff. All in-ground burials of cremated bodies must be enclosed within a separate urn vault approved by the Association. Two urns are allowed in a properly-sized vault. Scattering of ashes within the cemeteries is not allowed.

The cost for opening a grave varies by season and by day of the week. Costs are higher in the winter, on weekends, and outside normal business hours. Please see the price list for details.

At least two days notice is required for burials.

The costs of funeral services are not handled by the Cemetery. Visit the funeral home of your choice to get cost estimates.

MARKERS AND MONUMENTS

The Association does not sell markers or monuments. A referral list of local companies that deal in monuments and markers is available, but companies not on the list can be used as well.

Please be certain that the placement of names on double markers corresponds with the placement of the actual burials.

The installation of markers and monuments must be performed by the Superintendent.

Concrete borders around markers are encouraged to protect the marker and to minimize the "sunken marker" effect as the years go by.

A lawn-level marker or any base upon which a marker is mounted must be at least 4 inches thick.

The requirements for lawn-level markers on a gravesite are as follows:

On a single traditional gravesite, each single burial may have a marker up to 24" x 12" in size. For a combination of a traditional burial and cremation burial or two cremation burials, a single 30" x 14" double marker with both names on it may be used.

For a double marker centered on two side-by-side traditional graves, the maximum allowed size is 48" x 14". For two side-by-side cremation graves in the Cremation Section the maximum is 30" x 14" (a concrete border should not be placed around a double marker until both burials have taken place as it can be difficult to inter the 2nd burial with the concrete border already in place).

Upright monuments are permitted under certain conditions in Evergreen Cemetery, and at Memorial Gardens in the Garden of Paradise (upright monuments are not allowed in the Garden of Devotion or the Garden of the Christ). The lot must have four or eight graves in a 2 x 2 or 4 x 2 configuration and the monument must be centered in the middle.

An upright monument must have a concrete foundation prepared by the Superintendent to provide proper support.

Markers are set and concrete work is done in a timely fashion depending on the weather and on the work schedule of the groundskeepers. Delivery of markers will be accepted only from April 15 to October 15.

Over the years, markers might settle into the ground and become overgrown. Anyone can report a settled marker. A settled marker is raised as time allows by cemetery personnel. Lot owners may raise settled markers themselves with the understanding that the Association is not responsible for any resulting damage.

A memorial marker for someone not buried in the cemetery is allowed, subject to the above marker requirements. Registration in the office and the payment of a small fee is required.

DECORATING GRAVESITES

There are large signs at the entrances at both cemeteries listing the Grave Decorations rules. These rules are also available on our website.

In Evergreen Cemetery, a lot owner may plant a tree or a bush in a lot with four graves in a 2 x 2 configuration or eight graves in a 2 x 4 configuration. Permission must be obtained from the office beforehand and the Superintendent must be consulted about where to dig.

At Memorial Gardens a lot owner is not allowed to plant trees or bushes.

In both Cemeteries, live and artificial flowers and decorative greenery are allowed all season long in urns and stands. **Artificial flowers and decorative greenery placed in or on the ground** are allowed any time during the period commencing the day before Mother's Day (2nd Sunday in May) through the day after Father's Day (3rd Sunday in June). Outside that period of time they may be removed and discarded by cemetery personnel.

Plant containers must be maintained in an attractive manner and used for their intended purpose or they will be subject to removal and disposal.

Live flowers and small decorative live greenery (not to include shrubs, arborvitae, etc.) may be planted in the ground immediately adjacent to a monument or marker (preferably to the right or left to minimize interference with mowing and general maintenance of the cemeteries).

A complete set of Grave Decoration rules are posted at the vehicle entrances to Evergreen Cemetery and at the Memorial Gardens gate.

LOT OWNERSHIP

Upon receipt of any request affecting a lot, the first obligation of the Cemetery Association is to establish ownership of that lot.

Ownership of a lot may be established in several ways. A lot may be purchased from the Cemetery Association, a lot may be inherited, or lot ownership may be transferred. Regardless of how ownership is established, title can be held by only one person.

Upon the death of the owner of a lot, it is very important that the descent of title be documented with the Cemetery Association. A cemetery lot may be inherited pursuant to the terms of a will per Minnesota Statute § 306.29; however, we find this to be a rare occurrence. Otherwise, Minnesota Statute § 525.14, is then applied based on the owner's date of death. Under current law, effective April 13, 1981, title to a cemetery lot descends free and clear of all debts as follows:

1. To the surviving spouse, a life estate, with right of interment, the remainder to the person who would be entitled to ownership if there were no spouse. If however, there is no such person, lot ownership passes to the surviving spouse.
2. If there is no surviving spouse, then to the decedent's eldest surviving child.
3. If there is no surviving child, then to the decedent's youngest surviving sibling.
4. If there is no surviving spouse, child, or sibling, and the lot is not sold during the administration of the decedent's estate, then title to the lot passes to the Cemetery Association in trust as a burial lot for the decedent and such of the decedent's relatives as the board of trustees of the Cemetery Association shall deem proper.

Help will be provided to those taking on the task of tracing descent of ownership, but no actual research will be done by Association personnel

beyond consulting cemetery records. In some circumstances, fees may be charged.

If an owner desires to transfer title to a lot, the owner should contact the Cemetery Association for information on how to proceed. The transfer must be done through the Cemetery Association and cannot be done directly between the parties involved in the transfer. There may be a transfer fee as well as a payment required to bring the Permanent Care Fund account up to date for the lot.

CONTRIBUTIONS

The Evergreen Cemetery Association has been designated by the Internal Revenue Service as a tax exempt organization under Section 501(c)(13) of the Internal Revenue Code and as such is eligible to receive tax-deductible contributions. In addition, Evergreen will accept Qualified Charitable Distributions (QCDs) from those individuals qualified to make distributions to charities from their respective Individual Retirement Accounts (IRAs). You are urged to consult with your tax advisor regarding the particular tax consequences relating to charitable contributions and QCDs before taking any action.

Donations and bequests are welcome and appreciated. In the past, contributions have funded many improvements at Evergreen Cemetery and Memorial Gardens.

A streamlined process to donate unused graves or lots is in place.

An Annual Letter is mailed out in May informing people about recent accomplishments and about future projects in need of funding. If you wish to be added to the mailing list, please contact the office.

Thank you for your support.

ASSOCIATION BOARD OF TRUSTEES

Members serve three-year terms.
Elections at Annual Meeting in July.

Duane Blanck – President
Susan Koering – Vice-President
John Van Essen – Secretary
Gary Bluth – Treasurer
Frederick Casey
Denise Blackwell-Kraft
Thomas Fitzpatrick
Marc Halverson
Terry Thorkelson

ASSOCIATION EXECUTIVE DIRECTOR

Dede Tollefson

ASSOCIATION SUPERINTENDENT

Thomas McCartan

HOURS OF OPERATION

Office Hours: Mon. – Thurs.: 10:00 – 2:00.

Superintendent: Mon. – Fri.: 8:00 – 12:00 & 1:00 – 5:00.

Evergreen 3rd Ave Vehicle Gate: Open Year-round 24/7.

Evergreen 1st Ave and SW Gates: Mon. – Fri.: 8:00 – 5:00

Memorial Weekend Fri. & Sat.: 8:00 – 8:00;

Sun.: 10:00 – 8:00; Mon.: (3rd Ave Gate only) 12:00 – 8:00

Memorial Gardens Gates: Open Year-round 24/7.

Pedest. Gates: 24/7 (keep gates closed to keep animals out)