

ARTICLES OF INCORPORATION

WITH AMENDMENT'S

OF THE

WHITES CHAPEL CEMETERY ASSOCIATION

We, the undersigned natural persons of the age of twenty-one (21) or more, at least two (2) of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-Profit Corporation act, do hereby adopt the following Articles of Incorporation for such Corporation.

ARTICLE ONE

The name of the corporation is:

WHITES CHAPEL CEMETERY ASSOCIATION

ARTICLE TWO

The corporation is a non-profit corporation.

ARTICLE THREE

The period of its duration is perpetual.

ARTICLE FOUR

The purposes for which the corporation is organized are:

1) The primary purpose is to preserve for historical and environmental purposes the Whites Chapel Cemetery located at Whites Chapel and E. Southlake Blvd. in Southlake, Tarrant County, Texas, and to sustain the same as an historical landmark of said County, and to collect and apply for said purpose such funds as are necessary to affect such purpose.

2) Pursuant to the primary purpose of the Corporation, the Corporation shall have and exercise all rights and powers confirmed on non-profit corporations under Texas law which are incidental to the primary purposes and which do not exceed those powers granted to exempt organizations under Section 501 (c) (13) of the Internal Revenue Code of 1954, as amended.

3) This Corporation is organized pursuant to the Texas Non-Profit Corporation Act and does not contemplate pecuniary gain or profit to the members thereof and is organized for non-profit purposes.

#### ARTICLE FIVE

<sup>2</sup> The mailing address of the Association is Post Office Box 92082, Southlake, Texas 76092

#### ARTICLE SIX

1) <sup>2</sup> The number of Officers constituting the Board of Officers for WHITES CHAPEL CEMETERY ASSOCIATION is seven (7), including four Trustees. The Officers of this Association shall consist of a President, Vice-President, Secretary-Treasurer and four Trustees. No two persons in the same household may be elected to office in the same year. All Officers elected are only people that have family members buried in WHITES CHAPEL CEMETERY, except two honorary Trustees appointed by the President if necessary. Officers will be voted on for a term of three years

#### ARTICLE SEVEN

The name and street address of each incorporator is:

Cloyce R. Shivers      5701 Northhills Drive  
Fort Worth, Texas 76117

W. A. Satterwhite Jr. 4013 West 6<sup>th</sup>  
Fort Worth, Texas 76107

Mae Fitzgerald 526 Ball Street  
Grapevine, Texas 76051

Joy M. Trent      Route 2, Box 475  
Roanoke, Texas 76262

#### ARTICLE EIGHT

1) \_\_\_\_\_ Pursuant to Article) 912a-5 Texas Revised Civil Statutes, said cemetery shall be operated as a non-perpetual care cemetery.

2) \_\_\_\_\_ The cemetery over which the corporation shall have control is a community cemetery not exceeding ten (10) acres in area, and as such is exempt from the provisions of Title 26, Cemeteries, Article 912a-1 et seq. Texas Revised Civil Statutes, which exemption is hereby expressly claimed by the corporation.

#### ARTICLE NINE

1) \_\_\_\_\_ No part of the net earnings of the corporation shall inure to the benefit of any Director of the corporation, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting

one or more of its purposes), and no Director or officer of the corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation, No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the public or distribution of statements) any political, campaign on behalf of any candidate for public office.

2) \_\_\_\_\_<sup>1</sup> Deleted in entirety

3) \_\_\_\_\_<sup>1</sup> Deleted in entirety

4) \_\_\_\_\_<sup>1</sup> Deleted in entirety

5) \_\_\_\_\_<sup>1</sup> Deleted in entirety

6) \_\_\_\_\_<sup>1</sup> Deleted in entirety

#### ARTICLE TEN

1) \_\_\_\_\_ The Board of Trustees shall consist of four members each elected for three year terms and be elected in alternate years following the origination of the cemetery association. The Trustees shall appoint their own Chairman.

2) \_\_\_\_\_ The Trustees of the corporation are hereby authorized to establish a permanent fund for the preservation, improvement, and maintenance of the cemetery property as now existing or hereafter expanded.

3) \_\_\_\_\_ All contributions and donations to said permanent fund shall be invested by the Trustees in safe, interest-bearing forms of a prudent and conservative nature such as savings accounts, certificates of deposit, and similar instruments of obligation having no greater risk factor than that generally associated with such savings accounts or certificates of deposit in federally insured banks or savings associations

4) \_\_\_\_\_ The interest from said permanent, fund shall from time to time and no less often than annually, be distributed and applied to the preservation, improvement and maintenance of the cemetery property.

5) \_\_\_\_\_ The Trustees shall not invade the principal of said permanent, fund for any purpose.

6) \_\_\_\_\_<sup>1</sup> Upon the discontinuance of the corporation by dissolution or otherwise, the Board of Trustees shall, after paying or making provisions for payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for purposes of the Corporation in such a manner, or to a city, County or other political, subdivision for the

purpose of care and operation of the cemetery or for any other public purpose; or to such an organization or organizations organized and operated exclusively for such purposes as shall at the time qualify as an exempt; organization or organizations under Sections 501 (c) (3) or 501 (c) (13) of the Internal Revenue Code of 1954 (or other corresponding provisions of any future United. States Internal Revenue Law), as the Board of Trustees shall determine.

7) \_\_\_\_\_<sup>1</sup> The permanent fund shall receive, prior to or upon burial of any person within the Cemetery property within the Cemetery property, a reasonable sum to be set uniformly from time to time which sum will not be set at an amount calculated to exclude anyone from the use of the Cemetery, and which fund will be invested as a permanent fund and the interest used for the preservation, improvement and maintenance of the Cemetery property.

DATED this the \_\_\_ day of December 2012

WHITES CHAPEL CEMETERY ASSOCIATION

BY \_\_\_\_\_

Dr. Royal E. Smith President

AND

\_\_\_\_\_

Mr. Roger D. Hays Secretary/Treasurer

THE STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

\_\_\_\_\_ and \_\_\_\_\_, known to me to be the

persons and officers whose names are subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said WHITES CHAPEL CEMETERY ASSOCIATION, a corporation, and that they executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Notary Public, State of Texas

<sup>1</sup>Amended by Articles of Amendment filed in the office of the Secretary Of Texas dated Dec 16, 1983.

<sup>2</sup> Amended by Articles of Amendment filed in the office of the Secretary Of Texas dated December 12, 2012