

VIRGINIA

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

IN RE: Waterford Union Cemetery
Waterford Virginia

AT LAW: 48958

ORDER

Upon the application of ten citizens of Catoctin Magisterial District, Loudoun County, Virginia, and

IT APPEARING TO THE COURT that Applicants Rose, Landreth, Thompson and Waterford Foundation, Inc., a Virginia nonstock corporation, are the sole survivors of the five trustees for Waterford Union Cemetery appointed by Order of this Court dated May 19, 2000, it is hereby

ORDERED that Paul E. Rose, Waterford Foundation, Inc., a Virginia nonstock corporation, Linda L. Landreth, Robert C. Thompson, C. Edward Good, Kenneth F. Dunne, Bronwen C. Souders, and Edward Lehman are all appointed trustees for Waterford Union Cemetery in place and stead of any and all trustees who may heretofore have been appointed for the same.

ENTERED this 11th day of March, 2008.

Thomas D. Dunne

JUDGE

I ASK FOR THIS:

Robert C. Thompson
Robert C. Thompson, Trustee Secretary
Waterford Union Cemetery
P.O. Box 345
Waterford, Virginia 20197

Robert C. Thompson
P.O. Box 345
Waterford, Virginia. 20197
(540) 882-4104

A COPY OF THIS ORDER
BY Edw. M. C. [unclear]
[unclear]

WATERFORD UNION CEMETERY
C/O P.O. BOX 275
WATERFORD, VA 20197

May 30, 2000


Waterford Foundation, Inc
Linda L. Landreth
Kevin C. Chadwick
Robert C. Thompson
Paul E. Rose

Ladies and Gentlemen,

Please find attached a copy of the Order of the Circuit Court of Loudoun County, at Law 23530 dated May 19, 2000 appointing the above named persons, or organization as trustees of the Waterford Union Cemetery. This is your authority to function as trustees until such time as new trustees are appointed by the Court.

Congratulations on your appointment, and thank you for agreeing to serve. In the case of the Waterford Foundation one individual from the Board of Directors should be selected by the Foundation to represent them. Please advise the undersigned who that will be.

I will be contacting you shortly to arrange a time and place for a trustee's meeting.



Paul E. Rose

VIRGINIA

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

IN RE: Waterford Union Cemetery
Waterford, Virginia

AT LAW: 23530

ORDER

Upon the application of ten citizens of Catoctin Magisterial District, Loudoun County, Virginia, and

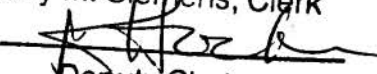
IT APPEARING TO THE COURT that Applicants Rose, Landreth and Waterford Foundation, Inc., a Virginia nonstock corporation, are the sole survivors of the five trustees for Waterford Union Cemetery appointed by Order of this Court dated March 12, 1987, it is hereby

ORDERED that Paul E. Rose, Waterford Foundation, Inc., a Virginia nonstock corporation, Linda L. Landreth, Kevin C. Chadwick and Robert C. Thompson are all appointed trustees for Waterford Union Cemetery in place and stead of any and all trustees who may heretofore have been appointed for the same.

ENTERED this 19th day of May, 2000.



JUDGE


ACOPY-TESTE
Gary M. Clemens, Clerk
By 
Deputy Clerk

Article 3.1.**Endowment Trusts for Perpetual Care.**

Sec.

57-35.1 through 57-35.10. [Repealed].

Article 3.2.**Perpetual Care Funds, Preneed Burial Contracts and Consumer Protections.**

57-35.11. Definitions.

57-35.11:1. Information filing; fees; compliance agent; Division to notify commissioner of revenue.

57-35.12. Exemptions.

57-35.13. Certain representations unlawful; perpetual care trust fund required.

57-35.14. Who may serve as trustee of perpetual care trust fund.

57-35.14:1. Application of Title 26.

57-35.15. Deposit in perpetual care trust fund required upon sale of graves, etc.

57-35.16. Additional deposit not required upon subsequent sale of same grave, crypt or niche.

57-35.17. Recovery of original perpetual care trust fund deposit.

57-35.18. Use of income from perpetual care trust fund.

57-35.19. Financial records required.

57-35.20. Financial report and written assurance required for perpetual care trust funds.

57-35.21. Deposit in preneed trust required upon sale of property or services not to be delivered within 120 days.

57-35.21:1. Who may serve as trustee of preneed trust fund.

57-35.22. Requirements for preneed burial contracts.

57-35.23. Identification of specific funds.

57-35.24. Specific funds and income to remain in preneed trust account; exception.

57-35.25. Disbursement of trust funds upon performance of contract.

57-35.26. Seller required to keep records.

57-35.27. Financial report and written assurance required for preneed trust accounts.

57-35.28. Inclusion of property and services to be delivered within 120 days.

Sec.

57-35.29. Breach of contract by seller; trust to be single purpose trust.

57-35.30. Trustee may rely on certifications and affidavits.

57-35.31. Transfer of trust funds to another trustee.

57-35.32. Use of trustee's name in advertisements.

57-35.33. Construction and development of mausoleums and garden crypts.

57-35.34. Waiver of article void.

57-35.35. Violation a misdemeanor.

Article 4.**Abandonment; Removal of Remains.**

57-35.36. Cemeteries owned by localities; good faith effort required prior to interment.

57-36. Abandoned graveyards may be condemned; removal of bodies.

57-37. Costs of suits, removal and reinterment; how surplus above costs disposed of.

57-38. Exemption from §§ 57-36 and 57-37.

57-38.1. Proceedings by landowner for removal of remains from abandoned family graveyard.

57-38.2. Proceedings by heir at law or descendant for removal of ancestor's remains from abandoned family graveyard.

57-39. Proceedings for removal of remains and sale of land vacated.

57-39.1. Improvement of abandoned and neglected graveyards.

Article 5.**Acquisition of Abandoned Lots in Certain Cities.**

57-39.2 through 57-39.7. [Not set out.]

Article 6.**Pre-Need Burial Contracts — Consumer Protection.**

57-39.8 through 57-39.18. [Repealed.]

Article 7.**Cremation.**

57-39.19. Application of Title 32.1, Chapter 8, Article 4.

ARTICLE 1.**General Provisions.**

§ 57-22. Conveyance of land to trustees for cemetery use. — Land may be conveyed to trustees, not less than five nor more than nine in number, for the use of any city, town, county, magisterial district, cemetery association,

ecclesiastical or other society, as a cemetery. It shall be held by such trustees and their successors for such use and no other. (Code 1919, § 50.)

§ 57-23. Appointment, change or removal of trustees. — On the application of the governing body of a city or town, the attorney for the Commonwealth of a county, ten citizens of a magisterial district, or the proper authorities of any such association or society, for whose use such cemetery is held, the circuit court of the county in which the cemetery is situated may, from time to time, appoint, change, and remove the trustees, as provided in § 57-8, whenever it may seem to the court proper to effect or promote the purposes of the trust. (Code 1919, § 51.)

§ 57-24. Powers and duties of trustees. — Such trustees and their successors shall have power to make such rules and regulations for the burial of the dead, the laying off, assignment and sale of burial lots, and the management, care, preservation and improvement of the grounds, as they may deem proper. They may take and hold personal property and money for the purposes of the trust, and what is so acquired and all money received from the sale of lots shall be accounted for by them and faithfully applied to such purposes. (Code 1919, § 52.)

§ 57-24.1. Trustee for purpose of suit. — In the case of any private or family graveyard, where no trustees have been designated, and it appears that the interest of justice may be served by the appointment of a trustee or trustees for the purpose of suing or being sued, on the petition of any interested party, the court of record wherein deeds are recorded of the county or city in which such cemetery is located, may appoint a trustee or trustees for the purpose of suing or being sued. The petitioner shall bear the expense of such proceedings, provided that in the event a recovery is effected on behalf of such trustee or trustees, costs shall be taxed as provided by law. (1970, c. 94.)

§ 57-25. Condemnation of land for cemeteries. — If it be desired at any time to establish a cemetery, for the use of a city, town, county or magisterial district, or to enlarge any such cemetery already established, and the title to land needed cannot be otherwise acquired, land sufficient for the purpose may be condemned. Application for the condemnation shall be made by the governing body of the city or town, the attorney for the Commonwealth of the county, or any ten citizens of the magisterial district, as the case may be, to the circuit court of the county in which the land lies, and the proceedings shall be according to the provisions of Title 25 for condemnation of land thereunder, so far as they can be applied to the case. The title to any land acquired under the proceedings, if for the enlargement of an existing cemetery, shall vest in the trustees of such cemetery; and if for the establishment of a new cemetery, the title shall vest in trustees to be appointed under § 57-23. The land shall be held by the trustees and their successors as provided by § 57-22. (Code 1919, § 53.)

"Establish" and "enlarge" are not used interchangeably. — The language of this section completely demonstrates that the legislature did not intend the words "establish" and

"enlarge" to be used interchangeably, but that the use of one excluded any idea that it embraced or meant the other. *Temple v. City of Petersburg*, 182 Va. 418, 29 S.E.2d 357 (1944).

§ 57-26. (Effective until July 1, 1999) Restrictions as to location of cemeteries and as to quantity of land. — A. Restrictions as to location. No cemetery shall be hereafter established within a county or the corporate limits of any city or town, unless authorized by appropriate ordinance subject to any

V I R G I N I A

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

IN RE: Waterford Union Cemetery
Waterford, Virginia

AT LAW: 8867

O R D E R

Upon the application of ten citizens of Catoctin
Magisterial District, Loudoun County, Virginia, and

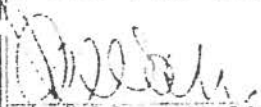
IT APPEARING TO THE COURT that Applicants Devine and
Bentley are the sole survivors of the five trustees for
Waterford Union Cemetery appointed by Order of this Court
dated August 12, 1964, it is hereby

ORDERED that John E. Devine, George E. Bentley, Waterford
Foundation, Inc., a Virginia nonstock corporation, Paul E.
Rose and Linda L. Landreth are all appointed trustees for
Waterford Union Cemetery in place and stead of any and all
trustees who may heretofore have been appointed for the
same.

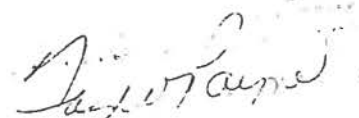
ENTERED this 12th day of March, 1987.

Thomas D. Horne
JUDGE

I ASK FOR THIS:


J. Allen Walker, Esquire
ROBIN & WALKER
1 North King Street
Leesburg, Virginia 22075
Counsel for Applicants

ROBIN & WALKER
1 North King Street
Leesburg, Virginia 22075
(703) 777-1000



WATERFORD FOUNDATION, INC.

WATERFORD, VIRGINIA 22190

Founded 1943

703-882-3018

EXECUTIVE DIRECTOR
Constance K. Chamberlin

BOARD OF DIRECTORS 1987-1988
EXECUTIVE COMMITTEE

Elizabeth S. Sullivan, President
Eleanor M. Adams, Vice President
Julien R. Schrenk, Secretary
J. Raymond Baine, Treasurer
Linda S. Cox, member

MEMBERS

<i>Jill P. Beach</i>	<i>Margaret T. Morton</i>
<i>George E. Bentley</i>	<i>Philip D. Paschall</i>
<i>Joseph C. Davis, Jr.</i>	<i>Katherine W. Ratcliffe</i>
<i>Helen H. Donovan</i>	<i>Stephen P. Robin</i>
<i>Matthew K. Firestone</i>	<i>Patricia R. Shoaf</i>
<i>Lang L. Gomez</i>	<i>Ruth U. Smith</i>
<i>Richard G. Hysid</i>	<i>Birnenwen C. Stouder</i>
<i>Frances R. Holmlundaker</i>	<i>A. Russell Versari</i>

March 23, 1987

Mr. George E. Bentley
P.O. Box 144
Waterford, Virginia 22190

Dear George:

You are a twin no longer, but one of quintuplets...

We are still trying to figure out how to put an easement on the cemetery, the full complement of trustees being only the first step.

The Foundation will need to appoint someone to represent it - I expect at the next Board meeting.

Cheers!

Enclosure

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WATERFORD, VIRGINIA 22190
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<i>Helen H. Donovan</i>	<i>Stephen P. Robin</i>
<i>Matthew K. Firestone</i>	<i>Patricia R. Shoaf</i>
<i>Lang L. Gomez</i>	<i>Ruth U. Smith</i>
<i>Richard C. Head</i>	<i>Bronwen C. Stouder</i>
<i>Frances R. Holmbraker</i>	<i>A. Russell Versaci</i>

March 23, 1987

Ms. Linda L. Landreth
P.O. Box 26
Waterford, Virginia 22190

Dear Linda:

Congratulations - the Circuit Court has appointed you as a trustee of the Waterford Union Cemetery - as far as I can tell, a lifetime appointment... For the first time in many, many years the cemetery now has a full complement of parents.

The two original surviving trustees, George Bentley and John Divine, had tried to grant a preservation easement on the cemetery to the Virginia Division of Historic Landmarks - which is how we learned that there needed to be five trustees. That's still a goal, but we continue to have the problem of having no title, metes or bounds or any precise description of what we all are in charge of. Investigation into all that continues.

In related news, Scott Gfroerer has begun work with his boy scout troop in cleaning out the black half of the cemetery. Paul Rose met them up there and supervised. It's not clear whose responsibility, if anyone's, that part is, but it obviously needs doing.

The Foundation will appoint someone to represent it at the Board meeting on April 7, and that completes my store of information about the cemetery. I'm pleased that you're going to be working on it. Did you know that with the leaves off, one can see all three cemeteries at the same time? I just noticed yesterday.

Sincerely,

Constance K. Chamberlin
Executive Director
Waterford Foundation, Inc.

CKC/ccr

Enclosure

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WATERFORD, VIRGINIA 22190
Founded 1943
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EXECUTIVE DIRECTOR
Constance K. Chamberlin

BOARD OF DIRECTORS 1987-1988
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Julien R. Schrenk, Secretary
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Linda S. Cox, member

MEMBERS

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<i>George E. Bentley</i>	<i>Philip D. Paschall</i>
<i>Joseph C. Davis, Jr.</i>	<i>Katherine W. Ratchlife</i>
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<i>Richard C. Head</i>	<i>Bronwen C. Souders</i>
<i>Frances R. Holmbraker</i>	<i>A. Russell Versaci</i>

March 23, 1987

Mr. Paul E. Rose
P.O. Box 275
Waterford, Virginia 22190

Dear Paul:

Congratulations - you now have an official role with the cemetery, to go with all of the unofficial time and attention you have already devoted to it.

The two original surviving trustees, George Bentley and John Divine, had tried to grant a preservation easement on the cemetery to the Virginia Division of Historic Landmarks - which is how we learned that there needed to be five trustees. That's still a goal, but we continue to have the problem of having no title, metes or bounds or any precise description of what we all are in charge of. Investigation into all that continues.

Thank you for meeting Scott Gfroerer and the assorted scouts and parents at the black cemetery last week. It's not clear whose responsibility, if anyone's, that part is, but it obviously needs doing.

The Foundation will appoint its representative at the April 7 Board meeting. Perhaps after that the five of you might want to get together and talk about what happens next.

This exhausts my store of knowledge on the subject!

Sincerely,

Constance K. Chamberlin
Executive Director
Waterford Foundation, Inc.

CKC/ccr

Enclosure

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<i>Lang L. Gomez</i>	<i>Ruth U. Smith</i>
<i>Richard C. Head</i>	<i>Brunwen C. Stouder</i>
<i>Francis R. Holmbraker</i>	<i>A. Russell Versaci</i>

March 23, 1987

Mr. John Divine
123 Prospect Drive, S.W.
Leesburg, VA 22075

Dear John:

You now have company - there is, at long last, a full complement of trustees. We still would like to see the cemetery protected by an easement, and will continue to try to figure out how to do that without a full description of the property.

Hope to see you soon!

Sincerely,

Constance K. Chamberlin
Executive Director
Waterford Foundation, Inc.

CKC/ccr

Enclosure

VIRGINIA:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

IN RE: WATERFORD UNION CEMETERY
Waterford, Virginia

AT LAW NO. 2755
ORDER

Upon application of ten citizens of Jefferson Magisterial District Loudoun County, Virginia, the court doth appoint Douglas N. Myers, John E. Divine, Louis M. McGavack, J. Reid Mays and George ^{E.} Bentley trustees for Waterford Union Cemetery in place and stead of any and all trustees who may heretofore have been appointed for the same.

ENTER this 12th Aug 1964.

Raymond K. Head

Seen;

William W. Nickels
Counsel for Applicants

WATERFORD CITIZENS ASSOCIATION
WATERFORD, VIRGINIA

August 4, 1964

At the July 21, 1964 meeting of the Waterford Citizens Association a resolution upon motion duly made and seconded, was unanimously passed that William W. Nickels be authorized and empowered to proceed with appropriate court action petitioning the court to appoint Douglas Myers, John Divine, George Bentley, Louis McGavack and J. Reid Mays, as trustees for the Waterford Union Cemetery (white).

Signed

Edward L. Crook
Edward L. Crook
President

Attest:

Maureen H. Mercker
Maureen H. Mercker
Secretary-Treasurer

VIRGINIA:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

IN RE: WATERFORD UNION CEMETERY
Waterford, Virginia

AT LAW NO. 2755

APPLICATION FOR
APPOINTMENT OF TRUSTEES

To: The Honorable Rayner V. Snead, Judge of said Court

Come now the applicants, Edward L. Crook, Douglas N. Myers, John E. Diviné, George E. Bentley, Maureen H. Mercker, W. Bruce Anderson, Alma N. Anderson, John S. DeCourcy, Frances Bold and O. B. Knight, and respectfully represent:

(1) That they are ten citizens of Jefferson Magisterial District, Loudoun County, Virginia, and are members of the Waterford Citizens Association in the Village of Waterford, Virginia, in said magisterial district.

(2) That within the Village of Waterford there exists a cemetery known as Waterford Union Cemetery, located on the south side of Fairfax Street leading eastward from High Street along the south side of the Waterford Elementary School property.

(3) That for many years there have been no known trustees for said cemetery and no care was given to and taken of said cemetery; that the same grew up in brush and scrub trees almost to the point that one passing by would not recognize it as a cemetery.

(4) That under the auspices of the Waterford Citizens Association the cemetery was cleaned up during the summer of 1958 and has since been maintained in a neat and orderly fashion at the expense of and under the direction of the Waterford Citizens Association.

(5) That from time to time people have asked to be buried in said cemetery but no one can be found to give approval or disapproval.

WILLIAM W. NICKELS
ATTORNEY AT LAW
LEESBURG, VIRGINIA

(6) That there is a need for appointment of trustees of said cemetery in order to properly care and administer said cemetery, and to this end there was passed on July 21, 1964, by the Waterford Citizens Association a resolution requesting that the court appoint three trustees for Waterford Union Cemetery, namely
Louis M. McGavack, J. Reid Mays
Douglas N. Myers, John E. Divine, and George E. Bentley. A copy of said resolution is attached hereto and made a part hereof.

WHEREFORE your applicants move the appointment of Douglas N. Myers, John E. Divine, and George E. Bentley.

Edward L. Crook

Douglas N. Myers

John E. Divine

George E. Bentley

Lawrence L. Meeker

W. B. Anderson

Alma D. Anderson

John S. DeLooney

Francis W. Reid

OT Muffet

William W. Nickels

William W. Nickels
Attorney at Law
P. O. Box 838
Leesburg, Virginia
Counselor for Applicants

WILLIAM W. NICKELS
ATTORNEY AT LAW
LEESBURG, VIRGINIA

V I R G I N I A:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

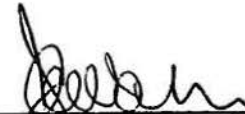
In Re: Waterford Union Cemetery
Waterford, Virginia

AT LAW: 8867

PRAECIPE

The Clerk will please forward the attached Order to
the Court for entry and provide a copy teste to the
undersigned.


J. Allen Walker


J. Allen Walker, Esquire
ROBIN & WALKER
1 North King Street
Leesburg, Virginia 22075
Counsel for Applicants

ROBIN & WALKER
1 North King Street
Leesburg, Virginia 22075
(703) 777-1900