

ARTICLES OF ASSOCIATION OF THE GOBER PERPETUAL CARE  
COMMUNITY CEMETERY ASSOCIATION

THE STATE OF TEXAS    X  
   X  
COUNTY OF FANNIN    X

KNOW ALL MEN BY THESE PRESENTS:

The organizational meeting was held April 19, 1977, at the Gober Community Center near the town of Bonham, Fannin County, Texas, which meeting was open to all persons interested in the community cemetery located in Gober near the town of Bonham in Fannin County, Texas, and generally known as the Gober Cemetery and which cemetery has for many years been used as a community cemetery, and all persons present and having an interest in the community cemetery agreed to form a perpetual care non-profit cemetery association to be operated in accordance with the following provisions and under Article 912a of the Revised Civil Statutes to the extent that said statute is applicable to this Association. All persons present agreed to the following Articles.

I.

The name of the association shall be GOBER PERPETUAL CARE  
COMMUNITY CEMETERY ASSOCIATION.

## II.

The association is formed as a community cemetery association of cemetery lot owners and shall be a non-profit association. The association is organized and maintained for the sole purpose of the preservation, care, maintenance, upkeep and supervision of the Gober Cemetery located near the town of Bonham in Fannin County, Texas, as a community cemetery of cemetery lot owners. The association shall not be operated or conducted for any financial gain to any of its members, officers, associates, families or friends, and all money or property coming to the association or any of the members or officers of the association on behalf of the association shall be used solely and exclusively for the preservation, care, maintenance and upkeep of the cemetery as a place for the burial or permanent interment of the human dead.

## III.

The general meeting of all membership of the association shall be held at the site of the land used for such cemetery purposes at 11 a.m. on the third Sunday of the month of May each year, unless such day of meeting shall be changed by vote of a simple majority of the members present at any such general meeting.

#### IV.

The members of the association shall be limited to the adult members of all families of those either owning a burial site in the cemetery or having someone interred in the cemetery, or anyone making a donation of gifts of money, services or property to the association.

#### V.

All of the property of whatever nature, kind or character, whether real, personal or mixed, which is now in the hands of the association, or which may hereafter be donated or acquired by purchase or any other means by association, is and shall be the property of the association and shall be used only for the purpose of interment site for the human dead, and for the orderly preservation, care, maintenance and upkeep of the cemetery site itself.

#### VI.

The officers of the association shall consist of the following:

1. President, 2. Vice-President, 3. Secretary, and 4. Treasurer.

Such officers shall serve for a term of one year or until such time as their successor is duly elected. Such officer shall be elected by simple majority vote of the members of the association present and voting in person at the

annual general meeting of the membership. A slate of officers shall be presented at such annual meeting by the Board of Trustees, but nominations for each office may also be made from the floor. The president and vice-president, when elected, shall automatically become a member of the Board of Trustees.

The same person shall hold the office of secretary and the office of treasurer.

## VII.

1. The President shall preside at all meetings of the Board of Trustees and at all meetings including any called meeting and all annual meetings of the association, and shall perform such other duties as the Board of Trustees or the membership shall delegate to the office of the president.

2. The Vice-President shall assume the duties of the President, in the absence of the president. In the event of the death, refusal or inability of the president to serve as such officer, the vice-president shall assume the duties of the office of the president until the next annual meeting or until a new president is elected at the annual meeting.

3. The Secretary shall be responsible for keeping all the records

of the association in a well-bound book; entering such correspondence as may require an answer; keeping an accurate list of the names and addresses of all members of the association; names and addresses of all lot owners; names and addresses of the next of kin of all persons interred in the cemetery, and perform such other duties as may be assigned to the secretary by the Board of Trustees.

4. The Treasurer shall keep accurate records of all persons making a donation to the association and issue receipts for such donations; receive and deposit all funds of the association in the designated bank, banks or savings institutions; receive all bills of the association and pay the same out of funds of the association; make annual reports to the membership and semi-annual reports to the Board of Trustees at their semi-annual meeting, and perform such other duties as may be assigned by the Board of Trustees.

The treasurer shall be required to make a fidelity bond to the association in the amount of \$500.00, or such amount as the Board of Trustees may designate, and premium on such bond shall be paid by the association.

## VIII.

The general management and control of the association shall be vested in a Board of Trustees, to be composed of nine persons. Such trustees shall be members of the association over the age of 21 years; shall serve without

compensation; their term shall be for the period of their natural life, unless removed by a majority vote of the members of the association, with or without cause, or such trustees may resign.

The title to all property of whatever nature, kind of character, whether real, personal or mixed, belonging to the association shall be deemed vested in the Board of Trustees and shall be held in trust in accordance with the provisions hereof and the provisions of the Texas Trust Act of the State of Texas, including any amendments thereto.

All contracts, agreements, deeds, conveyances, bills of sale, or any other legal instrument of document of any kind or character shall first be approved by majority vote of all the members of the Trustees and shall be signed by at least any six of the Trustees.

## IX.

The Board of Trustees shall hold two regular meetings a year; one such meeting shall be at the time of the regular annual meeting of the members of the association and shall be held at 1 p.m. on the third Sunday of May of each year. The other regular meeting shall be held at 2:30 p.m. on the second Sunday of October of each year. Such meeting shall be held at the site of the cemetery, unless another place of meeting is designated by the president. Called meetings of

the Board of Trustees may be had at any time. The president, or not less than five of the trustees may call a meeting of the Board of Trustees by written notice to all trustees stating the time and place and purpose of such called meeting.

Special or called meetings of the membership may be called at any time by the president, or not less than five members of the Trustees, and the notice of such meetings shall be by publication of the fact of the called meeting, to be published in a daily newspaper in Fannin County, Texas, at least once a week for two consecutive weeks prior to the day of the meeting. Such notice shall state the date, time and place of such called meeting of the membership.

#### X.

The association shall be authorized to receive donations of money, service, or any other property of any nature, kind or character. Such donations shall be made to the Treasurer, and an official receipt of such donation shall be issued by the Treasurer. Each person making such a donation of \$10.00 or more shall become a member of the association and shall remain a member in good standing with the right to vote, for life, or until such member resigns. The treasurer shall keep a list of donations, accurately describing the property or thing donated, along with the value of same, together with the name and address of the donor.

All funds and property so donated to the association shall be deemed held by the trustees. All funds, monies, securities received by the association shall be deposited promptly in the general fund entitled GOBER PERPETUAL CARE ASSOCIATION (*amended May 21, 1978*) at the Bonham State Bank in Bonham, Texas, or at such other depository bank as the trustees may appoint. No funds shall be withdrawn from this general account except upon a check signed by the president or vice president and either the secretary or treasurer, so that at least two officers must sign all checks drawn on this account.

*(Amendment - June 18, 1977. No principal may be withdrawn from the Perpetual Care Association.)*

The trustees shall from time to time decide the amount of funds to be left in general account for the payment of expenses for the operation of the association. All other funds that are not needed to operate the association shall be transferred to the perpetual care fund, to be known as the GOBER PERPETUAL CARE FUND to be maintained at the Bonham State Bank, Bonham, Texas. The PERPETUAL CARE FUND shall be invested only in any of the following:

1. Securities issued by the United States of America;
2. Deposits with banks or savings and loan associations



that are insured by some agency of the United States Government; a report of such PERPETUAL CARE FUND shall be given at each meeting of the Board of Trustees and at each annual meeting.

***(Amended May 17, 2015)*** *The trustees shall from time to time decide the amount of funds to be left in the general account for the payment of expenses for the operation of the association. ALL other funds that are not needed to operate the association shall be transferred to the perpetual care fund, to be known as the GOBER PERPETUAL CARE FUND. The GOBER PERPETUAL CARE FUND shall be invested only in the following conservative instruments:*

- 1. Securities issued by the United States of America;*
- 2. Deposits with banks and other financial institutions that are insured by an agency of the United States Government;*
- 3. Debt instruments issued by federal and state government agencies, school districts and municipalities;*
- 4. Investment grade corporate bonds, Unit Trusts which are made up of investment grade instruments and Bond Mutual Funds that invest in investment grade bonds;*
- 5. Conservative Mutual Funds that are designated as Balance Funds or Equity Income Funds. These funds must show a long term track record of positive returns, diversity of investment and low risk. These funds must invest in high quality corporate bonds and blue chip stocks.*

The income from the investments of the PERPETUAL CARE FUND shall be used solely for the preservation, care , maintenance, and upkeep of the Gober Perpetual Care Community Cemetery.

EXECUTED by the original Trustees and Officers, this the 15<sup>th</sup> day of May,  
1977.

Z. W. Trout  
President

V. R. Smith  
Vice-President

Joetta Wallace  
Secretary

Joetta Wallace  
Treasurer