

1086

ARTICLES OF INCORPORATION

OF

MT. ERA CEMETERY ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS:

That for the purpose of forming a non-profit corporation under and pursuant to the provisions of Section 10-3-1 et seq. of the 1975 Code of Alabama, as last amended, and Section 501 (c) (3) of the Internal Revenue Service Code, the undersigned persons have associated themselves together and have agreed upon and adopted these Articles of Incorporation, the same to constitute and become a charter for carrying on the activities hereinafter specified upon the proper filing hereof pursuant to law.

ARTICLE I: NAME

The name of this corporation shall be MT. ERA CEMETERY ASSOCIATION.

ARTICLE II: LOCATION

The principal office of the corporation shall be located in Shelby County, Alabama at Route 4, Box 1190, Alabaster, Alabama 35007, and the registered agent shall be Ista R. Elliott at said address.

ARTICLE III: OBJECTIVES

The objectives of the corporation shall be:

A. To maintain and perpetuate the Mt. Era Cemetery and to provide a perpetual corporate entity which can be used by those citizens having relatives buried in the Mt. Era Cemetery to contribute financial and other support to the perpetual care and maintenance of the cemetery and grave sites located therein.

B. To assure no person shall have pecuniary interest in operation of the corporation.

C. To do any and all such further acts authorized by law as may be necessary, convenient or expedient to accomplish the foregoing purposes or as are incidental thereto.

ARTICLE IV: LIMITING OBJECTIVES

1. This corporation shall not have or exercise any power or authority, either expressly, by interpretation, or by operation of law, nor shall it directly or indirectly

Ista Elliott

BOOK 043 PAGE 01

engage in any activity that would prevent this corporation from qualifying (and continuing to qualify) as a corporation described in Section 501 (c) (3) of the Internal Revenue Code, as to preclude contributions to this corporation from being deductible for purposes of taxation.

2. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation; nor shall it, in any manner, or to any extent, participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office; nor shall it engage in any activities that are unlawful under the laws of the United States of America or the State of Alabama, or any other jurisdiction where such activities are carried on; nor shall it engage in transactions defined at the time as "prohibited" under Section 503 of the Internal Revenue Code.

3. This corporation shall never be operated for the primary purpose of carrying on a trade or business for profit. Neither the whole, nor any part or portion, of the assets or net earnings of this corporation shall ever be organized or operated for purposes that are not exclusively religious, charitable, scientific, literary or educational within the meaning of Section 501 (c) (3) of the Internal Revenue Code.

4. No compensation or payment shall ever be paid or made to any member, officer, director, trustee, incorporator or organizer of this corporation, or any contributor to it, except as a reasonable allowance for actual expenditures made or services actually rendered to or for this corporation; and neither the whole nor any part or portion of the assets or net earnings, current or accumulated, of this corporation shall ever be distributed to or divided among any such persons; provided, further, that neither the whole nor any part or portion of such assets or net earnings shall ever be sued for, accrue to, or inure to the benefit of any member or private individual within the meaning of Section 501 (c) (3) of the Internal Revenue Code.

ARTICLE V: MEMBERSHIP

The corporation shall have one class of members. There should be no limitation on the number of members except as provided for in the by-laws of the corporation. All other qualifications, rights and duties of the members of said corporation shall be set out and established in the by-laws of the corporation.

ARTICLE VI: INCORPORATORS

The names and addresses of the incorporators are as follows:

W. J. Bozeman, Chairperson
Route 4, Box 1190
Alabaster, Alabama 35007

Harold Moore, Vice-Chairperson
1336 - 1st Avenue West
Alabaster, Alabama 35007

Ista R. Elliott, Secretary
Route 4, Box 1190
Alabaster, Alabama 35007

Clara Sellers, Treasurer
Route 1, Box 266
Columbiana, Alabama 35051

Boykin Johnston
436 West College Street
Columbiana, Alabama 35051

Dot Evans
Route 1, Box 267-A
Columbiana, Alabama 35051

Annie Mae Moore
216 Stapp Avenue S.W.
Bessemer, Alabama 35020

Gertrude Atchison
206 Stapp Avenue S.W.
Bessemer, Alabama 35020

Herman Gillen
Route 1, Box 271
Columbiana, Alabama 35051

Lois Gillen
Route 1, Box 271
Columbiana, Alabama 35051

Mary Anne Ellis
212 Thompson Street
Columbiana, Alabama 35051

Nell Holcombe
Route 1, Box 274
Columbiana, Alabama 35051

Charles E. Bozeman
Route 1, Box 267-B
Columbiana, Alabama 35051

Kathy Dailey
P. O. Box 98
Montevallo, Alabama 35115

Pat Steele
Route 1, Box 273-D
Columbiana, Alabama 35051

Fred Moore
Route 1, Box 260
Columbiana, Alabama 35051

Lacy Creamer
Old Highway 31, Box 564
Alabaster, Alabama 35007

Pauline Creamer
Old Highway 31, Box 564
Alabaster, Alabama 35007

Betty Moore Jones
2044 Lancaster Road
Homewood, Alabama 35209

Lela Moore
635 A Highway 52 W
Pelham, Alabama 35124

Cecil Gillen
Route 1, Box 266 A
Columbiana, Alabama 35051.

ARTICLE VII: DIRECTORS

The initial Board of Directors shall consist of the following, who shall serve until their successors are named as provided in the by-laws:

Lela Moore
635A Highway 52 West
Pelham, Alabama 35124

Nell Holcombe
Route 1, Box 274
Columbiana, Alabama 35051

Fred Moore
Route 1, Box 260
Columbiana, Alabama 35051

Lacy Creamer
Old Highway 31, Box 564
Alabaster, Alabama 35007

Cecil Gillen
Route 1, Box 266A
Columbiana, Alabama 35051.

ARTICLE VIII: OFFICERS

The officers of the corporation shall consist of a Chairperson, Vice-Chairperson, Second Vice-Chairperson and Secretary-Treasurer. The initial officers of the corporation shall be as follows:

W. J. Bozeman, Chairperson
Route 4, Box 1190
Alabaster, Alabama 35007

Harold Moore, Vice-Chairperson
1336 - 1st Avenue West
Alabaster, Alabama 35007

Ista R. Elliott, Secretary
Route 4, Box 1190
Alabaster, Alabama 35007

Clara Sellers, Treasurer
Route 1, Box 266
Columbiana, Alabama 35051.

ARTICLE IX: TIME LIMIT

The period of duration of this corporation shall be perpetual.

ARTICLE X: SPECIAL PROVISIONS

A. The corporation reserves the right to amend, alter, modify, change or repeat any provision contained in this certificate of incorporation in the manner now or hereafter provided by law and all rights conferred upon the officers, directors herein are granted subject to this reservation.

B. The corporation shall have power to make by-laws for the regulation and government of this corporation, its agents, servants and officers, and for all other purposes not inconsistent with the constitution and laws of the State of Alabama.

C. The voting members of the corporation shall have the authority to adopt such rules, by-laws and regulations for the governing of the corporation as they may deem necessary or expedient.

D. The fiscal year of the corporation each year shall be from October 1 to September 30.

E. In the event of dissolution, the residual assets of the organization will be turned over to one or more organizations exempt as organizations described in Sections 501(c) (3) and 170(c) (2) of the Internal Revenue Code of 1986 or corresponding sections of any prior or future Internal Revenue Code, or to the Federal, State, or local government or exclusive public purpose.

IN WITNESS WHEREOF, the incorporators of this corporation have hereunto set their hands and seals, and pray that this instrument shall be filed and recorded as provided by the Law, to the end that these incorporators, their successors and assigns, shall constitute a body corporate under the name hereinabove set forth, with all powers to which said Corporation may be entitled under the Laws of Alabama, on this _____ day of _____, 1990.

Larry Clemons
Incorporator

Mary Ann Ellis
Incorporator

Harold H. Jones
Incorporator

Patricia A. Steele
Incorporator

Betty M. Jones
Incorporator

Pauline Creamer
Incorporator

Rita Moore
Incorporator

Lois Gillen
Incorporator

Herman Gillen
Incorporator

Chas. E. Boyerman
Incorporator

Cecil W. Gilman
Incorporator

Irma M. Moore
Incorporator

Will Holcombe
Incorporator

Baylen Johnston
Incorporator

Clara Sellers
Incorporator

Annie Mae Moore
Incorporator

Bertaud M. Atchison
Incorporator

Dot Evans
Incorporator

W. J. Bremner
Incorporator

Kathy Dailey
Incorporator

John Elliott
Incorporator

CERTIFICATE OF INCORPORATION
OF
MT. ERA CEMETERY ASSOCIATION

STATE OF ALABAMA

SHELBY COUNTY

I, the undersigned Thomas A. Snowden, Jr., Judge of Probate of Shelby County, Alabama, hereby certify that the Certificate of Incorporation of Mt. Era Cemetery Association has this day been filed for record in Probate Court of Shelby County, Alabama; and that the Certificate of Incorporation has been examined and approved by me as being in compliance with the provisions of the 1975 Code of Alabama, as last amended, pertaining to non-profit corporations as contained in Section 10-3-1 et seq., thereof, and Section 501 (c) (3) of the Internal Revenue Service Code, and the incorporators of said non-profit corporation, their successors and assigns, constitute a body corporate under the name set forth in said certificate, namely:

"MT. ERA CEMETERY ASSOCIATION"

IN WITNESS WHEREOF, I, the said Thomas A. Snowden, Jr., as Judge of Probate of Shelby County, Alabama, hereunto set my name and affix my seal of said Probate Court on this the 15th day of November, 1990.

Thomas A. Snowden, Jr.

Thomas A. Snowden, Jr.
Judge of Probate

BOOK 043 PAGE 08

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

90 NOV 15 AM 10:36

JUDGE OF PROBATE

Rec 25.00
Jud 3.00
28.00