



# Division of Cemeteries

New York State  
**Department of State**  
**DIVISION OF CEMETERIES**  
 One Commerce Plaza  
 99 Washington Avenue  
 Albany, NY 12231-0001  
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## Notice of Proposed Appropriation of a Percentage of Permanent Maintenance Fund Average Net Appreciation

For Calendar/Fiscal Year \_\_\_\_\_ (most recently completed year)<sup>1</sup>

NY State - Cemetery Five Digit ID Number and County Name
Cemetery Name And Federal ID Number
Location of Cemetery (Street Address, Town, City or Village, and Zip)
Mailing Address (If different – Include name if address is of an officer)
Contact Person Name, Title, Telephone Number

### REQUIRED INFORMATION

<b>A.</b> Total Permanent Maintenance Assets at end of most recently completed year - Market Value (From your bank/broker account statements) \$	<b>E.</b> Percentage of Average Net Appreciation to be appropriated <sup>2</sup> %
<b>B.</b> Total Permanent Maintenance Assets at end of most recently completed year – Cost Basis (From Annual Report Form Part Two A “Total Of Permanent Maintenance Fund At End Of Year (at cost)”) \$	<b>F.</b> Dollar amount to be appropriated \$
<b>C.</b> PM Fund Principal Balance at end of most recently completed year (From Annual Report Form Part Two A, section 10) \$	<b>G.</b> Current (as of date of this application) Total Permanent Maintenance Assets – Market Value \$
<b>D.</b> Average Net Appreciation (From the calculation below) \$	<b>H.</b> Amount in Box B <u>minus</u> the amount to be appropriated (Box F) \$

### REQUIRED SUPPORTING DOCUMENTS

- 1) The cemetery’s most recent operating statement;
- 2) The cemetery’s most recent balance sheet;
- 3) Copies of the Annual Reports for the most recently completed year AND for the five years that preceded it (total of six years of annual reports); and
- 4) Copies of bank/broker account statements showing the market value of the PM Fund at the end of the most recently completed year, at the end of the year that was six years before this current year, and the market value of the PM Fund as of the end of the month preceding the date of this application.<sup>3</sup>

<sup>1</sup> If you are filing this in 2016, the “most recently completed year” would be calendar/fiscal year 2015. You may seek an appropriation and submit this Form with or after the filing of the Annual Report for the most recently completed year, but not before such filing.

<sup>2</sup> If the proposed Percentage of Average Net Appreciation is greater than 50%, set forth in detail the unusual and exigent circumstances justifying the higher percentage in your responses to “Consideration of N-PCL Section 553(a) Factors” below.

<sup>3</sup> If you are filing this in 2016, the phrase “at the end of the year that was six years before this current year” refers to the year 2010.

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## DEMONSTRATE GOOD STANDING

Are you current on the filing of all documents, records and information required by N-PCL Article 15, any rules and regulations promulgated thereunder and any direction, order or request of the Division or the New York Cemetery Board? (For example: annual reports, PM loan/deficit repayments) If not, please explain.

Are you current on all payments due for administration (N-PCL section 1508(c)) and to the vandalism fund (section 1507(h)(2))? If not, please explain.

Is your PM Fund fully funded (you have made all required deposits and there have been no unauthorized withdrawals)? If not, please explain.

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Are you the subject of a New York Cemetery Board order and/or referral to the Attorney General? If so, set forth the details of the order/referral and explain whether you are in compliance with any requirements resulting from that order/referral.

### **PURPOSE OF PROPOSED APPROPRIATION**

An expenditure of net appreciation may be used solely for the maintenance and preservation of the cemetery grounds. Describe in detail the purpose for the proposed appropriation.

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## CONSIDERATION OF N-PCL SECTION 553(a) FACTORS

*1 and 2. The duration and preservation of the endowment fund/The purposes of the institution and the endowment fund.*

Cemeteries serve the public as a final and lasting resting place and memorial for their remains. The PM Fund must exist in perpetuity at a level sufficient to generate income that meets cost of maintaining and preserving the cemetery. Cemeteries must maximize the use of general funds and income from the PM Fund before seeking to withdraw net appreciation. Net appreciation should not be used as a substitute for expenditure of general funds or PM Fund income, but rather should be used to fulfill needs that those other funds are inadequate to meet.

Please explain how your proposed use of net appreciation meets this standard:

*3 and 4. General economic conditions/The possible effect of inflation or deflation.*

Actual past and current economic conditions must be evaluated and future economic conditions must be anticipated conservatively and in a manner consistent with the standards of a prudent investor.

Please explain how your proposed use of net appreciation meets this standard and either attach a copy of or describe your investment policy:

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*5, 6 and 7. The expected total return from income and the appreciation of investments/Other resources of the institution/Alternatives to expenditure of PM Funds.*

Expenditure of net appreciation must not reduce the PM Fund below anticipated needs. Future growth must be planned and the PM Fund must experience and retain growth substantially in excess of inflation so that income will be sufficient to maintain the cemetery now and in the future. Alternative expenditures must be explored.

Please explain how your proposed use of net appreciation meets this standard:

*8. The investment policy of the institution.*

The cemetery must have an investment policy and must comply with the Prudent Investor Act (Estates, Powers and Trusts Law section 11-2.3) with regard to investment of the PM Fund and must act as a prudent investor when considering any expenditure of net appreciation.

Please explain how your proposed use of net appreciation meets this standard:

**\*\*If the proposed Percentage of Average Net Appreciation is greater than 50%, set forth in detail the unusual and exigent circumstances justifying the higher percentage.**

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## CALCULATION OF AVERAGE NET APPRECIATION

### 1. Calculation of PM Fund Initial Value:

Total Permanent Maintenance Assets at the end of the year that was six years before this current year - Market Value  
(From your bank/broker account statements)

\$ \_\_\_\_\_

Plus

Balance of PM Fund Loan(s) at the end of the year that was six years before this current year

\$ \_\_\_\_\_

**PM Fund Initial Value**

\$ \_\_\_\_\_

### 2. Calculation of Appreciated Value For most recently completed year:

Total Permanent Maintenance Assets at the end of the most recently completed year - Market Value  
(From your bank/broker account statements)

\$ \_\_\_\_\_

Plus

Balance of PM Fund Loan(s) at the end of the most recently completed year

\$ \_\_\_\_\_

Minus the following from the five years that preceded the most recently completed year:<sup>4</sup>

Allocations from Lot Sales

\$ \_\_\_\_\_

Allocations from Interments

\$ \_\_\_\_\_

Allocations from Installment Sales

\$ \_\_\_\_\_

Other Allocations

\$ \_\_\_\_\_

(e.g., voluntary contributions, gifts, bequests, Cemetery Board directed contributions) (From Annual Report Forms Part Two A, section 10)

**Appreciated Value**

\$ \_\_\_\_\_

### 3. Calculation of Average Net Appreciation:

**Appreciated Value minus PM Fund Initial Value =  
Five-Year Net Appreciation (must be greater than zero)**

\$ \_\_\_\_\_

divided by 5 =

**Average Net Appreciation**

\$ \_\_\_\_\_

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<sup>4</sup> If you are filing this in 2016, the phrase "the five years that preceded the most recently completed year" refers to years 2010 through 2014

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## Certification

The undersigned certify that the information, data and calculations contained herein are true and complete to the best of our knowledge.

Cemetery Trustee Signature **X** \_\_\_\_\_ Date \_\_\_\_\_

Name and Title (Print) \_\_\_\_\_

Cemetery Trustee Signature **X** \_\_\_\_\_ Date \_\_\_\_\_

Name and Title (Print) \_\_\_\_\_

Cemetery Accountant Signature **X** \_\_\_\_\_ Date \_\_\_\_\_

Name and Title (Print) \_\_\_\_\_