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Jeffrey M. Parrott, County Clerk
Sussex County, NJ

Return to: **LAW OFFICES OF ARNOLD J. CALABRESE**
A Professional Corporation
25B Hanover Road, Suite 120
Florham Park, New Jersey 07932

**AMENDMENT TO BY-LAWS FOR
ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.**

This Amendment to the By-Laws of **ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.**, is made this 24th day of October, 2013, by **ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.**, a non-profit corporation located in the Township of Andover, County of Sussex, and State of New Jersey.

WHEREAS, by the Master Deed and Declaration of Restrictive and Protective Covenants dated December 15, 1982 and recorded May 31, 1983, in the Office of Sussex County Clerk in Deed Book 1114, Page 109, et seq.; said Master Deed was re-recorded on December 20, 1983, in Deed Book 1155, Page 201, and as amended, the condominium has been established upon certain lands in the Township of Andover, County of Sussex and State of New Jersey, all pursuant to N.J.S.A. 46:8B-1, et seq.; and

WHEREAS, the Governing Documents empower the Board of Trustees to make such rules and regulations as may be necessary to carry out the intent of the Association's documents; and

WHEREAS, Section 46:8B-13d of the Condominium Act of New Jersey provides that the By-Laws of an Association may provide a method for the "enforcement of reasonable administrative rules and regulations relating to the operation, use, maintenance and enjoyment of the Units and of the common elements including limited common elements"; and

WHEREAS, the Governing Documents empower the Board with all duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of the Development and to do or cause to be done all such lawful acts and things as are not by law, or by the Governing Documents, directed or required to be done or exercised by members of the Association or Unit Owners, or by others; and

SUSPENSION OF RIGHTS

WHEREAS, the Board of Trustees believes it is in the best interest of the Membership to expand the Suspension of Membership Rights for Non Payment of Common Expense Assessments and other Charges as set forth in the Association's Resolution No. 2009-3, adopted on September 28, 2009 at a meeting of the Board of Trustees; and

WHEREAS, Paragraph 13 of the Master Deed and Declaration provides, in pertinent part, that:

"Subject to the provisions of Paragraph 26th of this Declaration, that the owner or co-owners of each unit are bound to contribute pro rata as set forth in Article XIII of the By-Laws toward the expenses of administration, maintenance, repair and replacement of the said common elements, expenses declared by this Declaration or the By-Laws and the expenses of administering and maintaining the Association and all of its real and personal property in such amounts as shall from time to time be found by the Association to be necessary, including but not limited to expenses for the operation, maintenance, repair or replacement of Association buildings, grounds or facilities; the maintenance, operation, repair or replacement of the recreational facilities, railroad annual fee for pipe crossing, operation of

street lights, maintenance of roads, infra-structures (storm sewers, etc.); all costs of carrying out the duties and powers of the Association; compensation of Association employees, insurance premiums and expenses relating thereto; taxes which may be assessed against Association property and any other expenses of the Association set forth herein, in the By-Laws or which may be designated by the Board of Trustees as "Common Expenses"; and

WHEREAS, the Public Offering Statement ("POS") for the Association, dated April 30, 1982 states, in the "Explanation of Expenses" Section, that: "Water - includes payment of electricity for main well that supplies water to the entire project and maintenance of pumps and mechanical equipment." and Attachment 9 to the POS lists water as an expected expense of the Association and provides as a line item for Reserve for Replacement of Common Elements of "Sewer/Water" and the Association having been providing water to the units as a common expense; and

OBSOLESCENCE

WHEREAS, the Board of Trustees believes it also is in the best interest of the Membership to amend the By-Laws, Article VI, Section 4, regarding a determination that any of the community and recreational facilities and any other real or personal property of the Association is obsolete; and

WHEREAS, Paragraph 21(b) of the Master Deed states that:

"All decisions concerning the obsolescence of existing buildings in the Condominium or any of the community and existing buildings in the Condominium or any of the community and recreational facilities or property of the Association, the sales of condominium property and the demolition and/or replacement of same shall be determined in accordance with Sections 3 and 4 of Article VI of the By-Laws of the Association."; and

WHEREAS, Article VI, Section 4 of the By-Laws, states that :

"In the event that the Board of Trustees shall determine that any of the community and recreational facilities and any other real or personal property of the Association are obsolete, the Board, at any regular or special meeting of the members, may call for a vote by the members to determine whether or not the said property should be demolished and replaced. In the event 90% of the members shall determine that the said property should be demolished and replaced, the costs thereof shall be assessed against all of the members of the Association in accordance with their proportionate share of ownership in the Association."; and

WHEREAS, pursuant to an Amendment to the By-Laws of Rolling Hills Condominium Association dated April 11, 1994, amending Article XI of the By-Laws, the By-Laws may be amended by an affirmative vote of "at least fifty-one percent (51%) of the members in good standing and entitled to vote and who vote in person or by proxy at a meeting where a quorum is established;" and

WHEREAS, the aforesaid Amendment to By-Laws states that: "Article III of the By-Laws (the section entitled "MEETING OF MEMBERS: VOTING") is hereby immediately amended to provide that all decisions of the members, except as otherwise stated in section 11 of Article III [involving capital expenditures], shall require for passage the affirmative vote of at least fifty-one percent (51%) of those members in good standing and entitled to vote and who vote in person or by proxy at meeting where a quorum is established"; and

WHEREAS, the Board of Trustees has approved the Amendments to the By-Laws, having obtained the affirmative vote of at least fifty-one per cent (51%) of all votes entitled to be cast at a special meeting of the Membership held on October 24, 2013.

NOW, THEREFORE, the By-Laws of **ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.**, are hereby amended as follows:

1. Article VI, Section 4 of the By-Laws is hereby amended to state that:

“In the event that the Board of Trustees shall determine that any of the community and recreational facilities and any other real or personal property of the Association are obsolete, the Board, may decide to remove, demolish, decommission and/or change the obsolete property; provided, however, that any such decision shall not be effective until (i) an affirmative vote of at least fifty-one percent (51%) of those members in good standing and entitled to vote and who vote in person or by proxy at a special meeting for such purpose is obtained and (ii) notice of the decision shall have been given to all Unit Owners, which notice shall be given within thirty (30) days after the approval by the membership at such special meeting.”

2. Article IV of the By-Laws of the Association shall include a Section 12 which will state as follows:

“12. Suspension of Rights.

(a) Except as stated in Article III, Section 8, hereof, the membership and voting rights of any Member including the rights of their tenants and guests to use the Common Elements may be suspended by the Board for any period during which any assessments, fines, fees, interest, costs and/or expenses levied against the Unit to which such membership is appurtenant remains unpaid. Upon payment of such assessments, fines, fees, interest, costs and/or expenses, all rights and privileges of membership, except as set forth in Article III, Section 8 hereof, are immediately and automatically restored. When Rules and Regulations governing the use of the Common Elements and the conduct of persons have been adopted and published, the rights and privileges of any person in violation thereof may be suspended at the Board's discretion for a period not to exceed thirty (30) days for any single non-continuous violation. If the violation is of a continuing nature, such rights and privileges may be suspended indefinitely until the violation is abated, plus an additional thirty (30) day period. No such action may be taken by the Board until the Unit Owner and the occupant, if any, is afforded an opportunity for a hearing consistent with N.J.S.A. 46:8B-14(k), which states in pertinent part that: ‘An association shall provide a fair and efficient procedure for the resolution of housing-related disputes between individual unit owners and the association, and between unit owners, which shall be readily available as an alternative to litigation. A person other than an officer of the association, a member of the governing board or a unit owner involved in the dispute shall be made available to resolve the dispute.’

(b) The Board may suspend the rights of Unit owners and occupants to use the Common Elements or Limited Common Elements, including but not limited to, the right to shut-off the water to the Unit, if the Owner of the Unit is not an Association Member in good standing. Any such suspension must be on ten (10) days written notice to the applicable Unit Owner. “

IN WITNESS WHEREOF, this Amendment to the By-Laws of ROLLING HILLS CONDOMINIUM ASSOCIATION, INC., has been executed on this 24th day of October, 2013 by and on behalf of ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.

11/11/2013
DATED

Virginia Kolstad
Virginia Kolstad, President

11-11-13
DATED

Beverly J. Jones
Beverly J. Jones, Secretary

STATE OF NEW JERSEY)
COUNTY OF SUSSEX)**

BE IT REMEMBERED that on this 11th day of November, 2013, before me the subscriber, an Attorney at Law or Notary Public of the State of New Jersey, personally appeared Virginia Kolstad, President, and Beverly J. Jones, Secretary, of "Rolling Hills Condominium Association, Inc.", a New Jersey nonprofit corporation, who, I am satisfied, are the persons named in and who executed the within Instrument, after notice and meeting upon a vote of the Board of Trustees in accordance with Condominium documents, and thereupon they acknowledge that they signed, sealed and delivered the same as the act and deed of the Association for the uses and purposes therein expressed.

Sworn to and subscribed before me, the date aforesaid.

Arnold J. Calabrese
An Attorney at Law ~~of the State of New Jersey~~
of the State of New Jersey

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