

Prepared by Alan Y. Lowcher  
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Law of the State of New Jersey

ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.  
POLICY RESOLUTION # 99-02

Reconstruction and/or repair of decks for units without ground  
level solar room enclosures

WHEREAS, the By-Laws state that the property, affairs, and business of the Association shall be managed by the Board of Trustees, which shall have all those powers granted to it by the Articles of Incorporation, the Master Deed, these By-Laws and the law; and,

WHEREAS, the Master Deed states that those portions of the common elements that are set aside for the restricted use by the respective dwelling unit owner to the exclusion of the other units shall be known as limited common elements; and that each unit owner is responsible for the maintenance, at their sole cost, of their limited common elements, except for structural modification and maintenance of structural components of limited common elements; and

WHEREAS, the decks are limited common elements and are composed of structural and non-structural members, such that the Association and the individual Unit Owner share the responsibility to maintain and repair the decks; and it is in the best interest of the Association to promote the uniform, aesthetic appearance of the exterior elevations of the units and the safety of all residents of the Association; and

WHEREAS, the Board of Trustees has engaged the services of an architect to prepare blue prints and to obtain any necessary approvals from the local governmental authority in order to repair and/or reconstruct and/or enlarge the decks; and

WHEREAS, all non-developer unit owners are required to contribute toward the solar room reconstruction assessment and there are seven non-developer units without solar room enclosures; and

WHEREAS, the developer is required to pay for the cost of reconstructing the solar room enclosures on all developer owned units and on those unit which the developer sells to third parties; and

WHEREAS, the non-developer unit owners without solar room enclosures are not, per se, receiving a direct benefit from the payment of the special assessment for legal fees arising out of the Association's litigation (now concluded) against the developer, and the Association recognizes this fact;

NOW THEREFORE, BE IT RESOLVED THAT the Board shall and hereby does promulgate the following:

WHEREAS, by Master Deed dated December 15, 1982 and recorded May 31, 1983 in the Office of the Clerk of Sussex County in Deed Book 1114, Page 109; said Master Deed was re-recorded dated December 20, 1983 in Deed Book 1155, Page 201, and the First Amendment to Master Deed dated February 15, 1985 and recorded February 15, 1985 in the Office of the Clerk of Sussex County in Deed Book 1240, Page 243, and the Second Amendment thereto dated January 23, 1987 and recorded January 23, 1987 in the Office of the Clerk of Sussex County in Deed Book 1427, Page 202. Rolling Hills Condominium Association (hereinafter "the Condominium") was established upon certain lands located 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.

D-2435-248

1. The Association will replace the existing decks on the seven non-developer owned units without solar room enclosures with a deck in accordance with a pre-approved larger deck design prepared by the Association's architect.
2. The owners of the seven non-developer owned units without solar room enclosures will not be required to contribute anything toward the cost of reconstructing their decks.
3. The Association will be responsible, on a one time only basis, to stain the deck to match the exterior of the building. Thereafter, the Unit Owner will be solely responsible for this maintenance item.
4. The Association will be responsible for the cost of all of the work and all permit and inspection fees required by the local government officials. However, the Unit Owner will be required to provide proof of adequate homeowners insurance. No work shall commence until the Unit Owner and the Contractor approved by the Association and actually doing the work shall provide proof of acceptable insurance to the Association.
5. The enlarged deck will be located exactly as shown on a site plan prepared by the Association's architect and approved by the local government authority. There will be no exceptions.
6. The Unit Owner shall be required to sign an acknowledgement that all maintenance and repair required on the enlarged deck, excluding structural repair and replacement, shall be at the Unit Owner's sole cost and expense.

Adopted by the Rolling Hills Condominium Association, Inc. at a regular meeting held on 12-27-99.

ATTEST:

Beverly J. Jones  
Beverly J. Jones, Secretary

ROLLING HILLS CONDOMINIUM  
ASSOCIATION, INC.  
By: William E. Englehardt  
President

STATE OF NEW JERSEY )  
COUNTY OF SUSSEX ) SS:

I CERTIFY that on December 27<sup>th</sup>, 1999 Beverly J. Jones personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of Rolling Hills Condominium Association, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is William E. Englehardt, the President of the corporation.
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Trustees;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Beverly J. Jones  
Beverly J. Jones Secretary

Signed and sworn to before  
me on December 27, 1999

[Signature]  
NOTARY PUBLIC OR ATTORNEY  
AT LAW OF NEW JERSEY

ALAN Y. LOWCHER, ESQUIRE  
40 WEST WASHINGTON AVENUE  
WASHINGTON, NJ 07882

Record and return to:  
Alan Y. Lowcher, Esq.  
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Washington, New Jersey 07882

REC'D & RECORDED  
00 JAN 24 PM 1:40  
ERMA GORMLEY  
SUSSEX COUNTY CLERK  
NEWTON, N.J.