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Bk: 3245 Pg: 98  
Erma Gormley, County Clerk  
Sussex County, NJ

**ROLLING HILLS CONDOMINIUM ASSOCIATION, INC**  
**POLICY RESOLUTION No. 2009-3**


**SUSPENSION OF MEMBERSHIP RIGHTS FOR NON PAYMENT OF COMMON EXPENSE  
ASSESSMENTS AND OTHER CHARGES**

**WHEREAS**, Article V, Section 10 of the By-Laws states that The Board of Trustees shall have and exercise all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Association and the operation and maintenance of a residential Condominium project and may do or cause to be done all such other lawful acts and things as are not by law, by these By-Laws or otherwise, directed or required to be done or exercised by members of the Association or owners of units, or by others. as set forth in the Master Deed for the Association (the "Master Deed") and to adopt and publish rules and regulations governing Rolling Hills Condominium Association, Inc. located in Andover Township, Sussex County, New Jersey (the "Development"); and

**WHEREAS**, paragraph 13 of the Master Deed and Declaration of Restrictive and Protective Covenants requires that each owner and co-owner of each unit in the Development are bound to contribute toward the expenses of administration, maintenance, repair and replacement of the common elements and expenses of administering and maintaining the Association and all of its real and personal property, 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; 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 in the Master Deed, in the Bylaws or which may be designated by the Board of Trustees as "Common Expenses"; and

**WHEREAS**, paragraph 14 of the Master Deed and Declaration of Restrictive and Protective Covenants provides that the Association has the right to pursue any remedy against the owner and co-owner of a unit in the Development that are available at law or equity to collect unpaid assessments, charges, expenses, or fines, as well as membership fees and capital contributions; and

Prepared by:

  
Alan Y. Lowcher, Esquire,  
An Attorney at Law of N.J.

**WHEREAS**, Article IV, Section 3 and Section 5 of the Bylaws requires each owner and co-owner of a unit in the Development to pay their share of these assessments, charges, expenses or fines as well as membership fees and capital contributions; and provides that the Association has the right to pursue any remedy available to at law or equity to collect unpaid assessments, charges, expenses or fines as well as membership fees and capital contributions; and

**WHEREAS**, the Association has previously adopted Resolutions 91-1 (Collection of Delinquent Assessments); 95-4 (Acceleration of Delinquent Assessments); 95-2 Collection of Membership Fees and Capital Contribution); 96-4 (Liability for Fines, Penalties and Other Charges); 2002-1 (Collection of Membership Fees (Revised) and Capital Contribution); which specifically provide that the Association may suspend or otherwise restrict access to and use of the condominium's recreational facilities for so long as the owner and co-owner of a unit in the development has any unpaid assessments, charges, expenses or fines as well as membership fees and capital contributions;


**NOW, THEREFORE, BE IT RESOLVED** that:

1. Upon receipt of verification by the Association's Managing Agent by statement of account kept in the ordinary course of business that an owner and co-owner of any unit in the Development has any unpaid assessments, charges, expenses or fines as well as membership fees and capital contributions, the Board of Trustees will notify the owner and co-owner that the Association may suspend or otherwise restrict access to and use of the condominium's parking facilities and recreational facilities until the owner and co-owner of a unit in the development have paid all unpaid assessments, charges, expenses or fines as well as membership fees and capital contributions, and any attempt to use the recreational facilities shall be regarded as trespass;
2. Said notice shall be by certified mail and regular first class mail to the last known address of the owner and co-owner of the unit in the Development;
3. The suspension of the right to use and restriction of access to use the parking facilities and recreational facilities, including but not limited to, the tennis court, pools, and community "Dome", may be enforced by all lawful means, including but not limited to Police Department citation, Municipal Court summons, and Superior Court of New Jersey injunctive relief.

This Resolution was adopted at a regular meeting of the Board of Trustees of Rolling Hills Condominium Association, Inc. held on September 28<sup>th</sup> 2009.


  
NICK JOANOW, PRESIDENT

ATTEST:

  
BEVERLY JONES, SECRETARY

CERTIFICATION

I hereby certify that the foregoing was duly adopted at a regular meeting of the Board of Trustees of Rolling Hills Condominium Association, Inc. held on September 28<sup>th</sup>, 2009.

  
BEVERLY JONES, SECRETARY

STATE OF NEW JERSEY )  
COUNTY OF SUSSEX ) SS:

I CERTIFY that on September 28<sup>th</sup>, 2009, Beverly 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 office who is Nick Joanow 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 Jones  
Beverly Jones, Secretary

Signed and sworn to before  
me on 9-28, 2009.

Alan Y. Lowcher

ALAN Y. LOWCHER, ESQ., An  
Attorney at Law of New  
Jersey

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

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.; and

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