

Prepared by: _____

DANIEL BARROS, ESQ.

CLEARBROOK CONDOMINIUM ASSOCIATION, INC. NO. 9 ("ASSOCIATION")

Resolution Increasing Membership Fee

WHEREAS, the Association was established and exists as a non-profit corporation by virtue of the New Jersey Condominium Act, *N.J.S.A. 46:8B-1, et seq.*, and by virtue of a certain Master Deed recorded in the Office of the Clerk of Middlesex County on June 8, 2007 at Deed Book 5826, Page 628 *et seq.*, as may be amended;

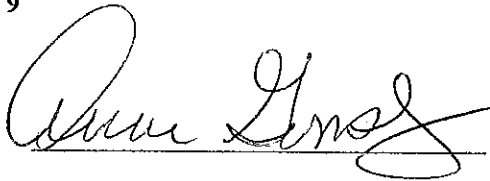
WHEREAS, at the Association's June 17, 2019 meeting of the Board of Directors, where a quorum of the Board was present, the Board passed the Resolution Increasing Membership Fee which is attached as Exhibit A; and

WHEREAS, the Board has determined that it is in the Association's best interest to have the Resolution Increasing Membership Fee filed in the office of the Clerk of Middlesex County;

NOW THEREFORE, the Association hereby submits the Resolution Increasing Membership Fee, which is attached as Exhibit A, to be recorded in the Middlesex County Clerk's Office.

**CLEARBROOK CONDOMINIUM ASSOCIATION,
INC. NO. 9**

[sign]



[print]

Anne Gonstky
Secretary

CLEARBROOK CONDOMINIUM ASSOCIATION, INC. NO. 9 ("ASSOCIATION")

Resolution Increasing Membership Fee

WHEREAS, the Association was established and exists as a non-profit corporation by virtue of the New Jersey Condominium Act, *N.J.S.A. 46:8B-1, et seq.*, and by virtue of a certain Master Deed recorded in the Office of the Clerk of Middlesex County on May 4, 1978 at Deed Book 3028, Page 666 *et seq.*, as may be amended;

WHEREAS, the Amended By-Laws of the Association were recorded on June 8, 2007 in the Office of the Clerk of Middlesex County in Deed Book 05826, Page 628, *et seq.*, as may be amended ("Amended By-Laws"); and

WHEREAS, Section 7 of the Master Deed provides, in part, “[t]he administration of the common elements of the Condominium and the community and recreational facilities shall be by the Clearbrook Kensington Village Condominium Association, No. 9 ... and the Clearbrook Community Association in accordance with the provisions of the Condominium Act, this Master Deed, the By-Laws attached hereto as Exhibit “E” and Exhibit “F”, and made part hereof, any other documents, amendments or supplements...[:;]” and

WHEREAS, Section 11 of the Master Deed provides, “[e]ach unit owner or occupant shall comply with the provisions of this Master Deed, the By-Laws and the rules and regulations of both the Association and the Clearbrook Community Association or their representatives, and with any other documents, amendments or supplements to the foregoing which subsequently may be required by any governmental authority, as same may be lawfully amended from time to time. Failure to comply with any such provisions, rules or regulations shall be grounds for injunctive relief by the Grantor, the Association and any other unit owner[:;]” and

WHEREAS, Article I Section 4(y) of the Amended By-Laws provides, “[m]embership Fees are those fees set forth under Article IX, Section 16, which all owners must pay to the Association upon purchase of a Unit as a condition of membership in the Association. The Membership Fee is a one-time payment that is non-refundable and non-transferable, in an amount that is determined by the Board[:;]” and

WHEREAS, Article V, Section 1(a) of the Amended By-Laws provides that the Board has the power and authority to, “[e]stablish, adopt and enforce rules and regulations (the “Rules and Regulations”) in connection with the conduct of Owners, occupants, guests, visitors and invitees with respect to the Common Elements and the Units, including, without limitation, the power to adopt rules and regulations with respect to parking upon the Common Elements[:;]” and

WHEREAS, Article V, Section 1(d) of the Amended By-Laws provides that the Board has the power and authority to, “[e]xercise all powers necessary or reasonably implied to carry out the functions of the Board as set forth in the Master Deed, these Amended By-Laws, or by law, it being the intention of this provision to grant the broadest powers reasonably necessary to carry out its function[:;]” and

WHEREAS, Article VIII, Section 1(o) of the Amended By-Laws provides, in part, that it is the affirmative and perpetual obligation and duty of the Board to, “[i]nvest and reinvest monies, sue and be sued, collect interest, dividends, capital gains, exercise rights, pay taxes, make and enter into contracts...[:;]” and

WHEREAS, Article IX, Section 16 of the Amended By-Laws provides, “[e]ach purchaser, upon acquiring title to a Unit, shall, as a condition of membership in the Association, pay a membership fee equal to \$1,000.00 (“Membership Fee”) to the Association. The amount of the Membership Fee may be increased or otherwise amended by resolution of the Board, at the Directors’ sole discretion. The Membership Fee is nonrefundable, nontransferable and shall not be credited to the purchaser by the Association upon sale by the purchaser of his, her or their unit. Any unpaid Membership Fee, as set forth in this section, shall be a lien on the Unit and collectable in the same manner as any unpaid Common Expense assessment attributable to the Unit. The Board may reduce the amount of the Membership Fee or eliminate the Fee if, in the Board’s sole discretion, the Directors determine that the imposition of the Fee may have a negative impact upon the sale of units with Section 9. If, at any time, the Board reduces or eliminates the Membership Fee, it may reinstate it at any time thereafter if the Directors determine that such charges will not negatively impact the sale of Units. In no event will the Association be obligated to rebate the Membership Fees previously paid as a result of the Board having, on one or more occasions, reduced or otherwise eliminated the requirement that the Membership Fee be paid[:;]” and

WHEREAS, the Board has agreed that it shall increase the Membership Fee described in Article IX, Section 16 of the Amended By-Laws.

NOW, THEREFORE, BE IT RESOLVED, by the Board hereby adopts, ratifies, and confirms the following provisions related to increasing the Membership Fee:

1. The Membership Fee described Article IX, Section 16 of the Amended By-Laws is hereby increased to payment of nine (9) months of the customary monthly assessments, which shall be three-fourths (3/4) of the annual assessment for that year.

2. The provisions of this resolution shall apply only to those transfers of unit title occurring after the date hereof.

3. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.

4. Any monies due hereunder shall be collected by the Association in the same manner as the Association's assessments. Enforcement of this Resolution shall be in accordance with the procedures established with regard to due process.

5. Any provision contained within any previously adopted resolution by the Association that conflicts with any provisions set forth herein shall be deemed void and the provision contained herein shall govern.

CLEARBROOK CONDOMINIUM ASSOCIATION, INC. NO. 9 ("ASSOCIATION")

Resolution Increasing Membership Fee

Duly adopted at a meeting of the Board of Directors of Clearbrook Condominium Association, Inc. No. 9, held this 17 day of June, 2019.

<u>Officer/Director</u>	<u>Vote:</u>			
<u>PRINT NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>SIGNATURE</u>				
<u>Paul Hammond</u>	✓	—	—	—
<u>Lois Caron</u>	✓	—	—	—
<u>Carol S. Caron</u>	✓	—	—	—
<u>CAROL L. CARON</u>	✓	—	—	—
<u>Adeline Dahl</u>	✓	—	—	—
<u>Adeline Dahl</u>	✓	—	—	—
<u>Anne Gmsky</u>	✓	—	—	—
<u>Anne Gmsky</u>	✓	—	—	—
<u>Louis DiMeglio</u>	✓	—	—	—
<u>LOUIS DiMeglio</u>	✓	—	—	—
<u>Thomas McCaffrey</u>	✓	—	—	—

Attest: Anne Gmsky [date 6/17, 2019]

[print] Anne Gmsky
Secretary
File:
Book of Minutes -
Book of Resolutions:

Book No. _____ Page No. _____

Policy _____

Administrative
Special
General

Resolution Effective: _____, 2019

STATE OF NEW JERSEY }

} SS.:

COUNTY OF MIDDLESEX }

I CERTIFY that on June 17, 2019 Anne Gonsky
personally came before me and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the Secretary of Clearbrook, A Condominium Association, Inc., No. 9, a nonprofit corporation of the State of New Jersey, named in this document;

(b) this person signed this document as attesting witness for the proper corporation officer who is Paul Handwerk, the President of the corporation;

(c) this person knows the proper corporate seal of the corporation and the proper corporate seal was affixed;

(d) this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its Board of Directors;

[sign] Anne Gonsky

[print] Anne Gonsky
Secretary

[NOTARIZE]

Signed and sworn to before me this 17

Day of June, 2019

[Signature]

DONNA LYNN GALINDO
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2437416
MY COMMISSION EXPIRES AUG. 14, 2023

RECORD AND RETURN TO:
Attn: Daniel Barros, Esq.
Cutolo Barros LLC
46-50 Throckmorton Street
Freehold, New Jersey 07728