



P&A Management, Inc.

120 Route 156
Hamilton, New Jersey 08620
(609) 581-5810 Fax# (609) 581-5807

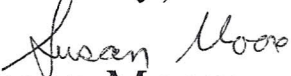
July 22, 2009

Dear Homeowner,

Attached please find a copy of Resolution 2008-01 which transfers the association's wastewater collection and conveyance system to the Township of Hopewell.

Please keep this copy with the rest of your governing documents.

Sincerely,


Susan Moore

P & A Management

Wellington Manor Homeowners Association, Inc.

By: Mary M. Schulz
Mary Schulz, President

Certified to be a true copy of the Resolution adopted on December 8, 2008.

By: Robert C. Johnston
Robert C. Johnston, Secretary

ACKNOWLEDGMENT

State of New Jersey)

) ss.

COUNTY OF MERCER)

On the 9th day of December, 2008, Mary Schulz, personally appeared before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person signed and delivered the foregoing document as the President of The Wellington Manor Homeowners Association, Inc. (the "Association") named in this document; and
- (b) this document was signed and delivered by the Association as it voluntary act and deed by virtue of authority from its Board of Directors.

Sworn and subscribed to before me this 9th day of December 2008.

Deborah A. Parrott
Notary Public - State of New Jersey

DEBORAH ANNE PARROTT
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/15/2009

LR
McGovern Legal Services LLC
P.O. Box 1111
New Brunswick, NJ 08903-1111

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RESOLUTION 2008-01

Wellington Manor Homeowners Association, Inc.

Resolution Memorializing Transfer of Wastewater Collection and Conveyance System,
Empowering Board Members to Consummate Transfer and De-Facto Amending the Association's
Declaration and Other Governing Documents

WHEREAS, Wellington Manor Homeowners' Association, Inc. (the "Association") was established and exists by virtue of a certain **Declaration of Covenants, Conditions, Easements and Restrictions** dated **September 25, 2002 and recorded October 7, 2002, in the Mercer County Clerk's Office in Deed Book 4383, Page 1, et seq.,** (the "Declaration"); and

WHEREAS, Declaration Article I, Section 18 defines the Association's Wastewater Collection and Conveyance System; and

WHEREAS, in accordance with Declaration Article III, Section 6(c) more than two-thirds (2/3) of all of the votes eligible to be cast by all of the Members of the Association voted to transfer the Association's Wastewater Collection and Conveyance System to the Township of Hopewell; and

WHEREAS, Declaration Article IX, Section 2, provides that the Declaration may be amended by vote of not less than two-thirds (2/3) percent of the Lot Owners; and

WHEREAS, the Township of Hopewell Committee adopted Ordinance No. 08-1443 on November 10, 2008 which ordinance is attached hereto and incorporated herein as exhibit "A" ("Ordinance No. 08-1443"); and

WHEREAS, the Township of Hopewell, via its Engineer/Administrator, Paul E. Pogorzelski, P.E., issued a November 2, 2008 memorandum of understanding and agreement which is attached hereto and incorporated herein as exhibit "B" (the "Memorandum of Understanding and Agreement");

NOW, THEREFORE, in reliance on Ordinance No. 08-1443 and the Memorandum of Understanding

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and Agreement and as empowered by the Association's members' vote, it is resolved that:

1. The Association hereby memorializes transfer of the Wastewater Collection and Conveyance System to the Township of Hopewell. This resolution shall be recorded in the Mercer County Clerk's Office and cross-indexed to the Association's previously recorded Declaration.
2. The Association's President and any other board member necessary are hereby authorized and empowered to execute, on behalf of the Association, whatever documentation is necessary to consummate the transfer of the Wastewater Collection and Conveyance System to the Township of Hopewell.
3. Any provision of the Association's Declaration, By-laws and/or Certificate of Incorporation that is premised upon the Association's ownership of or any obligation/liability with respect to maintenance, repair and/or replacement of the Wastewater Collection and Conveyance System is hereby amended to reflect that the Wastewater Collection and Conveyance System has been transferred to the Township of Hopewell and that the Township of Hopewell has assumed all duties, obligations and liabilities in any way related to the Wastewater Collection and Conveyance System consistent with Ordinance 08-1443 and the Memorandum of Understanding and Agreement.

Duly adopted at the December 8, 2008 Board of Directors' meeting.

<u>Officer</u>		Vote:			
		<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Mary M. Schulz</u> , Trustee		✓	—	—	—
<u>Ken C. Shotwell</u> , Trustee		✓	—	—	—
<u>Janice B. [unclear]</u> , Trustee		✓	—	—	—
<u>Howard [unclear]</u> , Trustee		✓	—	—	—
<u>Robert C. Johnson</u> , Trustee		✓	—	—	—

Clarion

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY

ORDINANCE NO. 08-1443

AN ORDINANCE TO TAKE OVER
THE MAINTENANCE OF THE
WELLINGTON MANOR DEVELOPMENT
PUMP STATION

WHEREAS, Beazer Homes constructed a development known as Wellington Manor, located in the Township of Hopewell; and

WHEREAS, the development was constructed with a sewage pump station and collection system, which is connected to the ELSA sewer system; and

WHEREAS, upon completion of the development, the Wellington Manor Homeowner's Association was responsible for the maintenance of the pump station and collection system; and

WHEREAS, the Homeowner's Association hired an independent contractor to maintain the pump station and collection system; and

WHEREAS, upon the Township responding to an emergency condition at the pump station, it appeared that the contractor had not performed any maintenance at the pump station; and

WHEREAS, the Township has continued to maintain the pump station; and

WHEREAS, the cost to the Township of maintaining the pump station in 2007 was \$7900; and

WHEREAS, the Township's continued maintenance of this pump station and collection system, will not have an impact on the general taxpayer base as the costs of maintenance will be borne by all users of the ELSA system; and

WHEREAS, the Township Engineer has determined that the Homeowner's Association is not adequately equipped to maintain the pump station and collection system from a public health and safety standpoint; and

WHEREAS, the Wellington Manor Homeowner's Association has approved the transfer of the ownership and maintenance of the pump station and collection system from the Homeowner's Association to the Township by a vote of the homeowners.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, as follows:

1. That Hopewell Township shall accept the ownership of the pump station and collection system and assume the responsibility for the maintenance of the pump station and collection system located in the Wellington Manor Development and as shown on the original design drawings for the Development.
2. The Township will have access to the pump station and collection system through existing easements.

EXHIBIT "A"

Preemption. Any part of this ordinance, or any ordinance, resolution or regulation adopted pursuant to this ordinance, which is contradictory or inconsistent with the provisions of the New Jersey Statutes shall be invalid.

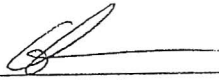
Repealer. Any ordinance, or part of any ordinance, which is inconsistent with this ordinance, shall be repealed as to its inconsistencies only.

Severability. If any section of this ordinance is adjudged invalid, such determination shall apply only to the specific section so adjudged and the remainder of the ordinance shall be deemed valid.

Effective This ordinance shall take effect upon publication in accordance with law.


Date.

Date Introduced: October 14, 2008
Date Advertised: October 30, 2008
Date Adopted: November 10, 2008



Vanessa Sandom
Mayor

Attest:


Annette C. Bielawski
Municipal Clerk



TOWNSHIP OF HOPEWELL

MERCER COUNTY

201 Washington Crossing Pennington Road
Titusville, New Jersey 08560-1410
November 2, 2008

Wellington Manor Property Owners Association
Pennington, NJ 08534

Re: Pump Station/Wastewater Infrastructure Acceptance
Wellington Manor

Dear Association Officers and Members:

As you may know, Hopewell Township has introduced ordinances to accept the Wellington Manor wastewater pump station as well as all wastewater pipes, manholes, valves, pressure mains, etc. (infrastructure). This action is the formal process required to designate Hopewell Township as the formal owner of the pump station and all wastewater infrastructure within Wellington Manor.

When the Hopewell Township Planning Board originally approved the Wellington Manor development, it required easements for the pump station and all wastewater infrastructure that located under or upon lands to owned by the Wellington Manor Property Owner's Association. The purpose of the easements was to grant Hopewell Township permission the right to enter upon these lands and conduct whatever emergency operations on the pump station and wastewater infrastructure. However, because Hopewell Township is now seeking to own and operate this wastewater infrastructure, these easements will serve as a permanent grant Hopewell Township to own and operate the pump station and all wastewater infrastructure.

The land upon which these easements exist, will remain the under ownership of Wellington Manor Property Owners Association. Hopewell Township accepts full and complete responsibility for all issues of environmental, health, safety and wellness that are directly related to the ownership and operations of the Pump Station and wastewater infrastructure.

On the date the ordinances are adopted, Hopewell Township will assume ownership and full responsibility for the maintenance, upkeep and repair of the Wellington Manor Pump Station and the Wellington Manor Wastewater Collection and Conveyance System, Blackwell Road Gate, the easement road, fence, pavement and exterior lighting, etc. The Wellington Manor Property Owners Association will no longer bear responsibility for these items.

Exhibit "B"

Wellington Manor Property Owners Association

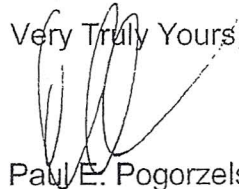
November 2, 2008

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Hopewell Township agrees to access the Pump Station via Blackwell Road as the primary access point for all maintenance work and improvements. Use of the other access point provided by the easements will be used only as necessary for secondary operations or in the event the Blackwell Road driveway is inaccessible.

I hope this explanation answers any ongoing questions. Please feel free to contact me with any additional questions or concerns.

Very Truly Yours,



Paul E. Pogorzelski, P.E.
Township Administrator/Engineer

C: Hopewell Township Committee
Victor Silvestrov, Public Works Director
Dave Guerard, Wastewater System Operator

END OF DOCUMENT

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Mercer County Clerk's Office

Return To:

MCGOVERN LEGAL SERVICES
PO BOX 1111
NEW BRUNSWICK NJ 08903-1111

WELLINGTON MANOR HOMEOWNERS
ASSN INC
HOPEWELL TWP

Index DEEDS

Book 06003 Page 0853

No. Pages 0009

Instrument MISC DEEDS

Date : 6/23/2009

Time : 9:22:55

Control # 200906230115

INST# RD 2009 020864

Employee ID NSEGURA

RECORDING	\$	29.00
RECORDING	\$	31.00
DARM \$3	\$	24.00
NMD1PA	\$	16.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$	100.00

STATE OF NEW JERSEY
Mercer County Clerk's Office

*****PLEASE NOTE*****
* DO NOT REMOVE THIS COVER SHEET - *
*IT CONTAINS ALL RECORDING INFORMATION *

Paula Sollami-Covello
Mercer County Clerk



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Mercer County Clerk's Office

Return To:

MCGORVERN LEGAL SERVICES, LLC
PO BOX 1111
NEW BRUNSWICK, NJ 08903-1111

WELLINGTON MANOR HOMEOWNERS
ASSN INC
HOPEWELL TWP

Index DEEDS

Book 05976 Page 0254

No. Pages 0004

Instrument MISC DEEDS

Date : 12/24/2008

Time : 10:55:17

Control # 200812240259

INST# RD 2008 042607

Employee ID AHERNAND

RECORDING	\$	19.00
RECORDING	\$	26.00
DARM \$3	\$	9.00
NMD1PA	\$	6.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$	60.00

STATE OF NEW JERSEY
Mercer County Clerk's Office

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Paula Sollami-Covello
Mercer County Clerk

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