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RESOLUTION 2011-01 (Revised July, 2012)

INSTR # 2013005987
REC'D 6/16/11 7:38 AM - 3867 (5 pgs)
RECORDED 07/27/2012 10:10:10 AM
PAULA SOLLAMI COVELLO, COUNTY CLERK
MERCER COUNTY, NEW JERSEY

(Note: This Resolution supersedes and rescinds the original Resolution 2011-01 approved at the May 9, 2011 Board Meeting, and signed by the Secretary on June 13, 2011. The prior Resolution was not filed with the Mercer County Clerk)

WELLINGTON MANOR HOMEOWNERS' ASSOCIATION, INC.,

RESOLUTION REGARDING THE INSPECTION OF RECORDS

WHEREAS, the Declaration Of Covenants, Conditions, Easements And Restrictions For Wellington Manor And the By-Laws of The Association empower the Board of Trustees with all powers necessary for the proper conduct and administration of the Association, including the power to regulate the inspection of records, so as to ensure compliance with principles of proper public access while simultaneously respecting the privacy concerns of individuals; and

WHEREAS, The Board of Trustees feels that it is proper to establish and promulgate a resolution for the inspection of records of Wellington Manor Homeowners Association, Inc.; and

WHEREAS, The Board of Trustees has adopted the following provisions.

- o Owner of Record/Member
 - "Owner of Record/Member" shall mean and refer to the record owner, whether one or more persons, of fee simple title to any lot, but excluding those having such interest merely as security for the performance of an obligation." (quoted from the Declaration of Covenants, Article I, Section 13 of the Governing Documents)
1. THE RECORDS AVAILABLE FOR OWNER/ MEMBER INSPECTION AND COPYING ARE THE FOLLOWING:

Governing documents:

- Declaration of Covenants, Conditions, Easements and Restrictions for Wellington Manor
- By-Laws
- Articles of Incorporation
- Rules and Regulations (Homeowner Manual)

Minutes from open sessions

- Commencing 2004, including Board of Trustees Meetings and Membership Meetings

Financial information:

- Financial statements (annual & monthly) for the current and previous calendar years
- Insurance policies and certificates for the current and previous calendar years
- Bank statements for the current and previous calendar years
- Annual budget for the current and previous calendar years

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2. THE BOARD OF TRUSTEES MAY WITHHOLD FROM INSPECTION ANY RECORD THAT IN ITS REASONABLE BUSINESS JUDGMENT WOULD:
 - Constitute an unwarranted invasion of privacy;
 - Constitute privileged information under the attorney-client privilege;
 - Involve pending or anticipated litigation or contract negotiations; insurance claims; and/or involve the employment, promotion, discipline, salary, or dismissal of a specific board Member or employee.
3. THE BOARD OF TRUSTEES MAY ALSO WITHHOLD THE FOLLOWING:
 - Outstanding Contract bids
 - Legal files
4. AVAILABILITY OF RECORDS
 - WMHOA records are stored in various venues:
 - Current records are considered active files and are stored in the Property Manager's office which is located at the Business Office of the Property Manager which is located in Lawrenceville, New Jersey
 - Immediate past year records are unavailable during audit review
 - Prior year records (including bank statement, invoices, and all audit data), are stored in a record retention facility, operated by the Property Manager.
 - Permanent records (including contracts) are intended to be stored in the WMHOA Clubhouse in an area managed by the Board of Trustees
 - Certain records may only be available on electronic file
5. INSPECTION OF RECORDS
 - A Member who wants to inspect or copy the Association's records shall submit written request to the Association's Board of Trustees or Manager. Inspection or copying shall be limited to those records specifically requested in writing, and submitted in advance. The written request must specify the particular record desired, including pertinent dates or time periods, and shall state whether the request is for inspection or copying. The request must be sufficiently detailed to allow the Association to retrieve the record(s) requested
 - The time required by the Property Manager to retrieve and prepare the records will vary depending on the location of the files as described in Item 4, above.
 - The Property Manager shall notify the Member (by telephone, in person or in writing) that the records are available, and specify the time, date, and place for the inspection.
 - Inspections shall be by appointment only, during the normal business hours of the Association's office.
 - After the inspection is complete, if a Member wants a copy of any of the records inspected by the Member, the Member shall designate in writing the record desired.
 - Any written request shall designate the specific record or portion thereof. (See section on costs below)
 - During an inspection, the Member may designate such record by use of a tab, clip, or post-it note upon the page(s) desired.
 - Requested copies will be available to the Member within ten (10) business days of receipt of the request with pages to be copied noted. If, however, the voluminous nature or the condition of the records makes this time frame impractical, the copies will be made available as soon as is practical.

- After the inspection is complete, if a Member has any questions, the Member shall submit those questions, in writing, to the Property Manager. After review, the Property Manager will respond, in writing, to the Member

6. COSTS

- Copy costs for records provided to and inspected by the Member:
 - If a Member requires copies of records provided under this policy, the Member shall pay twenty five cents per page (.25 Per Page) when the record has been identified by the Member for regular-or legal-sized photocopies, payable in cash or by personal check, at the time the copies are delivered. However, the Board of Trustees or Manager may require advance payment in his or her discretion, taking into account such factors as the amount of the copying charge, the Members payment record, and other relevant factors.
- Costs to provide the following records shall be as noted below:
 - Prior year's records, (including bank statement, invoices, and all audit data), are stored in a record retention facility, operated by the Property Manager.
 - The homeowner shall reimburse the Association for the reasonable direct cost incurred by the Property Manager to retrieve the records and make them available
 - The Property Manager shall provide an estimate of costs to retrieve, organize, and provide the records to the Member prior to commencing any work.
 - Records may only be available on electronic file
 - In the event that records are only available in an electronic file, the homeowner shall reimburse the Property Manager of the Association for the reasonable direct cost, if any, of making them available from electronic file, as well as twenty five cents per page (.25 Per Page) to print each record(s) from the electronic file. The printed records shall only be available for the Members inspection.
 - The Property Manager shall provide an estimate of costs to the Member prior to commencing any work.
 - Payment for any of the records noted above shall be payable in cash or by personal check, at the time the copies are delivered. However, the Board of Trustees or Manager may require advance payment in his or her discretion, taking into account such factors as the amount of the copying charge, the Members payment record, and other relevant factors.

7. ASSOCIATION BOARD OF TRUSTEES AND/OR MANAGER

- The Property Manager shall maintain a log detailing:
 - The date the written request was received;
 - The name of the requesting party;
 - A list of the requested records;
 - The date the Association notified the Member that the records were available;
 - The date the records were made available;
 - The date of actual inspection or copying; and
 - The signature of the Member acknowledging receipt of, or access to, the records.
 - Every person inspecting or receiving copies of the records shall sign said log or a comparable receipt prior to inspection or receipt of copies.
- The Board of Trustees may take any available legal action to enforce these rules.

8. LIMITATIONS/NON COMPLIANCE WITH THIS RESOLUTION

- No Member shall exercise their inspection or copying rights in order to harass any other Member, resident, Property Manager, Officer/Trustee/Director, or Contractor
- No Member may submit more than one request for inspection and/or copying in a 90-day period.
- No Member may request an inspection that requires the Association to produce more than 100 pages of records at any one time.
- If the Member's request exceeds either of the limitations noted above, the Association shall provide records for inspection in the order requested by the Member up to the limiting factor.
 - The Member shall then make written request(s) for each additional session until the Member has inspected all the records originally requested.
 - Requests for additional sessions are subject to all the same rules and restrictions as any other inspection request.
- Any violation of these rules shall cause the immediate suspension of the inspection or copying until the violator agrees in writing to comply herewith.
- The Association will not honor any requests for inspection or copying that do not comply with this policy.
 - Within five working days of receiving the noncompliant request, the Association shall send a written notice to the person who made the request indicating the nature of any noncompliance.
 - Any Association representative who receives an oral request for inspection or copying shall refer the Member making the request to this policy, and the Association will have no further obligation to respond until it receives a written request.

NOW THEREFORE BE IT RESOLVED:

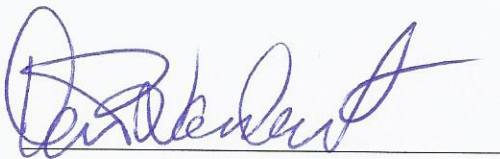
1. Upon adoption, the Board of Trustees shall have this Resolution filed with the Mercer County Clerk.

IN WITNESS WHEREOF, the Wellington Manor Homeowners' Association, Inc. has caused these presents to be signed and attested by its proper officers this 20th day of November, 2012.

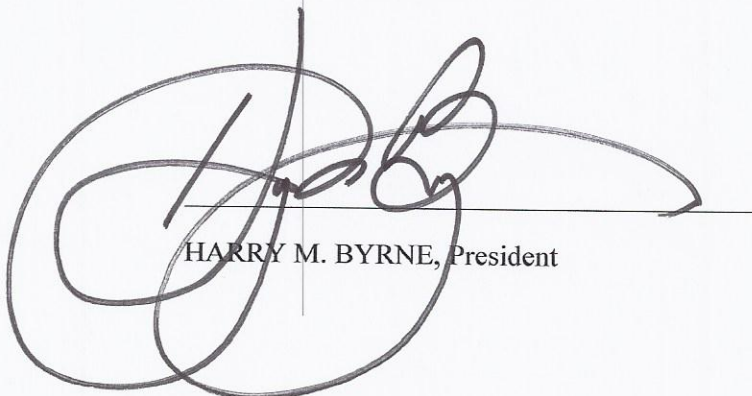
ATTEST:

Wellington Manor Homeowners' Association, INC.,

a New Jersey non-profit corporation



DAN VANDERGAST, Secretary



HARRY M. BYRNE, President

STATE OF NEW JERSEY:

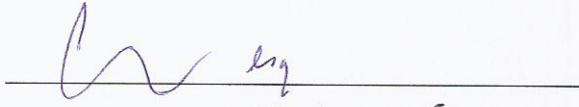
: ss

COUNTY OF :


BE IT REMEMBERED, that on the 20th day of November, 2012, before me, the subscriber, a notary public of the State of New Jersey, personally appeared DAN VANDERGAST, who being by duly sworn on his oath, deposes and makes proof to my satisfaction that he is the Secretary of the Association named in the within Instrument and HARRY M. BYRNE, is the President of said Association; the execution, as well as the make of this Instrument, has been duly authorized by a proper resolution of said Association; that the deponent well knows the corporate seal of said Association; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said President and Secretary and for the voluntary act and deed of said Association, in presence of deponent, who thereupon subscribed her name thereto as attesting witness.

Sworn and subscribed

to before me on the above date.



Christopher J. Lowe, Esq
Attorney at law
State of New Jersey



DANIEL VANDERGAST, Secretary

RECORD AND RETURN TO:

Michael Fedun, Esquire
SINGER & FEDUN, L.L.C., Attorneys at Law
P.O. Box 134
Belle Mead, NJ 08502

DD's
4/20/11
5/13/11



INSTR # 2013005986
D BK 6164 PG 378 Pgs 378 - 381; (4 pgs)
RECORDED 01/31/2013 10:10:10 AM
PAULA SOLLAMI COVELLO, COUNTY CLERK
MERCER COUNTY, NEW JERSEY

RESOLUTION 2011-01

WELLINGTON MANOR HOMEOWNERS ASSOCIATION, INC

RESOLUTION REGARDING THE INSPECTION OF RECORDS

At the May 19, 2011 Board Meeting, with Sandy Bing, Roni Shotwell, Howard Schwartz, Mary Schulz, and Robert C. Johnston in attendance, the following resolution was made and approved unanimously by the Board:

RESOLVED, that any homeowner in good standing may inspect any of the books, records and papers of the Association, except for any specific ones which the Board determines may not lawfully be disclosed or which violates the privacy of an individual.. Requests to inspect books, records and papers shall be submitted in writing (email, snail mail) to the Property Manager; responses to be confirmed by the Board. The inspection shall take place at a site mutually agreeable to the requesting homeowner and the Property Manager, at a mutually convenient time. The homeowner shall reimburse the Property Manager or the Association for the reasonable direct cost, if any, of making them available (such as the cost of retrieving documents from storage); and

RESOLVED, that the Property Manager shall provide copies of any of the books, records and papers of the Association, except for any specific ones which the Board determines may not lawfully be provided, to any homeowner in good standing who requests them. The homeowner shall reimburse the Property Manager or the Association for the reasonable direct cost of providing the copies (such as the cost of retrieving documents from storage, having them copied and delivering them to the homeowner). The cost to the homeowner of making copies will be presumed to be \$0.20 cents per page.

Howard Schwartz, Secretary
Howard Schwartz, Secretary

6/13/11
Date

BAB
Michael Fedun Esquire
PO Box 134
Bell Mead NJ 08502
K12458

Wellington Manor Homeowners Association
September 3, 2012 (REVISED)

POLICY AND PROCEDURE MEMORANUM 001
RECORDS RETENTION

RECORDS WILL BE LOCATED IN THE FOLLOWING LOCATIONS:

1. 2 -three drawer lateral files with locks located in the Office/Library
2. Bottom shelf of the locked closet in the Office/Library
3. WMHOA Website (wellingtonmanorhoa.org)
4. Management Company electronic files with on line back up off site.
5. Wellington Manor/Quinn and Storey off site storage

RECORDS

- **Board Meeting and Annual Meeting Minutes** **(PERMANENT)**
 - Bound by year in spiral binding and stored in lateral files location1,
 - Electronically stored in locations 3 and 4
 - Annual Meeting Minutes to be included in the month and year in which they occur, and the following year when they are approved
- **Architectural Requests** **(PERMANENT)**
 - File by address in locations 1
- **Audit Reports** **(PERMANENT)**
 - All years in locations 1 and 4 from 2010 forward
- **Federal Tax Returns** **(PERMANENT)**
 - All years in 1
- **Reserve Study** **(PERMANENT)**
 - Periodic Reserve Studies 1 and 4
- **Ownership/Membership Records** **(PERMANENT)**
 - Published Homeowner Directory current in locations 1, 3, and 4

- **Annual Budgets** **(PERMANENT)**
 - In locations 1, 3 and 4 from 2010 forward
- **Contracts** **(PERMANENT)**
 - Bids; Bid Tabulations; and Contracts for: Landscape and Snow, Pools, Association Management Co., Janitorial Major Construction and Repairs in locations 1 and 4
- **Association Correspondence** **(PERMANENT)**
 - Correspondence and issues in locations 1 and 4 as appropriate
- **Insurance Policies and Documents** **(3 YEARS)**
 - Policies and summaries prepared by Broker in location 1
- **Insurance Claims** **(PERMANENT)**
 - Store in location 1
- **Financial Records "Audit Box"** **(7 YEARS)**
 - When the audited records consisting of: *Bank Records, Accounts Payable/Receivable ledgers and schedules; Bank Statements, financial and Banking information etc.* are released by the Auditor to the Association they be stored in location 5.
 - Include DESTROY DATE ON BOX
- **Governing Documents** **(PERMANENT)**
 - Bind hard copy into 3 ring binder, store in location 1
 - Electronically store in locations 3 and 4
- **Resolutions and Amendments** **(PERMANENT)**
 - Bind hard copy into 3 ring binder, store in location 1 (top of files)
 - Electronically store in (3 and 4)
- **Rules and Regulations** **(PERMANENT)**
 - Bind hard copy into 3 ring binder, store in location 1
 - Electronically store in location 3
 - Previous Versions back to 2004 store in file folder in location 1
- **Board Policy and Procedure Memoranda** **(PERMANENT)**
 - Bind hard copy into 3 ring binder, store in location 1
 - Electronically store in location
- **Homeowner Requested Documentation, July 2011, Brickman Financial** **(7 YEARS)**
 - Seven Bound volumes store in file box in location 2
- **Cash Asset List** **(PERMANENT)**
 - Maintain electronically in location 4

- Transition

(PERMANENT)

- Hard Copy of final drawings rolled up and stored in Office/Library closet:
 - WMHOA Site Drawings, approved HT Planning Board Set
 - WMHOA Clubhouse Drawings
 - Also an Electronic Disc in location 1
- Documentation included in location 1
 - Clubhouse Stone Restoration Documents
 - HVAC Ductwork additions and modifications
 - Tennis Courts evaluations and warranties
 - Hopewell Township Maintenance Bond Process
 - Van Cleef Concrete Punch list (completed)
 - Tree and Landscape Replacement including detailed a warranties completed by Beazer July 2010
 - DEP Conservation/Restriction Easement
 - Signed Transition Release and Check from Beazer fall 2011
- Newsletters
 - Prior years in Office Library Closet
 - Bind hard copy into 3 ring binder, store in Office/Library Closet
 - Current Years
 - Bind hard copy into 3 ring binder, leave on top of file cabinets for homeowner review
 - Electronically store in location 3