

**AMENDMENT TO THE DECLARATION OF COVENANTS, RESTIRCTIONS,
EASEMENTS, CHARGES AND LIENS
MONMOUTH HEIGHTS AT FREEHOLD RECREATIONAL ASSOCIATION, INC.
RELATING TO INCREASE OF MAINTENANCE ASSESSMENTS**

THIS AMENDMENT to the Declaration of Covenants, Restrictions, Easements, Charges and Liens for Monmouth Heights at Freehold Recreational Association, Inc. (the “Association”), made this ____ day of _____ 201____, by the Association, a Non-profit Corporation of New Jersey, by and through its Board of Trustees (the “Board”), having an address in the care of Regency Management Group, 605 Candlewood Commons, Howell, New Jersey 07731; and

WHEREAS, the Association was created by, among other documents, a Declaration of Covenants, Restrictions, Easements, Charges and Liens of Monmouth Heights at Freehold Recreational Association, Inc., **recorded in the office of the Monmouth County Clerk on October 7, 1969 in Deed Book 3660, Page 714, et. seq.** as amended from time to time (the “Declaration”), *et seq.*; and

WHEREAS, Declaration, Article V, Section 3 provides that “[u]ntil the year beginning January, 1973, the annual assessment shall be not more than One Hundred Fifty Dollars (\$150.00) and after January 1, 1973, the maximum annual assessment may be increased only as hereinafter provided in Section 5”; and

WHEREAS, Declaration, Article V, Section 5 provides that “. . . the Association may change the maximum and basis of the assessments fixed by Section 3 hereof prospectively, provided that any such change shall have the assent of two-thirds (2/3) of the votes of each class of Members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all members at least thirty (30) days in advance and which shall set forth the purpose of the meeting”; and

WHEREAS, Declaration, Article V, Section 6 provides that “[t]he quorum required for any action authorized by Sections 4 and 5 of this Article V, shall be as follows: At the first meeting called, as provided in Sections 4 and 5 of this Article V, the presence at the meeting of Members, or of proxies, entitled to cast sixty (60) percent of all the votes of each class of membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirements set forth in Section 4 and 5, and the required quorum at such subsequent meeting shall be one-half of the required

quorum at the preceding meeting, provided that such subsequent meeting shall be held not more than sixty (60) days following the preceding meeting”; and

WHEREAS, proper notice having been given, a special meeting of the Members was held on _____, 201__, and a quorum being present, at least two-thirds (2/3) of the votes of each class of Members who are voting in person or by proxy, voted to amend the Association’s Declaration to increase the Maintenance Assessments; and

NOW, THEREFORE, the Association’s Declaration is hereby amended as follows:

1. **Declaration, Article V, Section 3** is hereby deleted in its entirety and is replaced with the following:

Section 3. Basis and Amount of Annual Assessments. The Annual Assessment for 2019 shall be Two Hundred Dollars (\$200.00). The Annual Assessment for 2020 shall be Two Hundred Ten Dollars (\$210.00). The Annual Assessment for 2021 shall be Two Hundred Twenty Dollars (\$220.00) and thereafter, the Annual Assessment shall be increased by Five Dollars (\$5.00) each year.

2. Any provision of the Declaration or any prior amendment, which conflicts with this Amendment is hereby null and void.
3. All provisions of the Declaration not amended by this Amendment shall remain unchanged and in full force and effect.
4. In the event any provision of this Amendment is deemed unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
5. Notwithstanding the full execution of this Amendment, this Amendment shall not take effect until this Amendment is recorded in the Ocean County Clerk's Office.

