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 2020 shall be Two Hundred Dollars (\$200.00). The Annual Assessment for 2021 shall be Two Hundred Twenty Dollars (\$220.00). The Annual Assessment for 2022 shall be Two Hundred Forty Dollars (\$240.00). The Annual Assessment for 2023 shall be Two Hundred Sixty Dollars (\$260.00). The Annual Assessment for 2024 shall be Two Hundred Eighty Dollars (\$280.00). The Annual Assessment for 2025 and each year thereafter, shall be Three Hundred Dollars (\$300.00).

- **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 Monmouth County Clerk's Office.

NOW THEREFORE, <u>Martin Dempsey</u>, the Acting President of Monmouth Heights at Freehold Recreational Association, Inc., based on the authority granted by the Association's Declaration and the Membership vote reflected above, hereby submits these amendments for recordation in the Monmouth County Clerk's Office.

Monmouth Heights at Freehold Recreational Association, Inc.

Martin Dempsey, Acting President

ACKNOWLEDGMENT

STATE OF NEW JERSEY)
) ss.
COUNTY OF MONMOUTH)

On the _____ day of _____, 201_, Martin Dempsey 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 Acting President of Monmouth Heights at Freehold Recreational Association, Inc. (the "Association"), named in this document; and

(b) this document was signed and delivered by the Association as its voluntary act and deed by virtue of authority from its membership and its Board of Trustees.

Sworn and subscribed to before me this _____ day of

_____, 201_.

NOTARY PUBLIC - NEW JERSEY

RECORD AND RETURN TO: McGOVERN LEGAL SERVICES 850 CAROLIER LANE NORTH BRUNSWICK, NJ 08902