

**ARBOR TERRACE CONDOMINIUM ASSOCIATION, INC.**

**POLICY RESOLUTION NO. \_\_\_**

**RELATING TO MINIMUM STANDARDS FOR FLOOR COVERINGS**

**WHEREAS**, Arbor Terrace Condominium Association, Inc., is a New Jersey non-profit corporation having its offices at c/o The Regency Management Group, LLC, Attn: Kristie Bendick, P.O. Box 588, Howell, New Jersey 07731 (hereinafter referred to as the "Association"); and

**WHEREAS**, the Master Deed for the Association was **recorded in the office of the Monmouth County Clerk on October 17, 1984, in Deed Book 4516, Page 631, et. Seq.**; and

**WHEREAS**, Article IV, Section 1, of the Bylaws provides, "The property, affairs and business of the Association shall be managed by the Board of Directors, which shall have all those powers granted to it by the Articles of Incorporation, the Master Deed, these By-Laws, and by law"; and

**WHEREAS**, Article V, Section 1(h), of the Bylaws empowers the Board to "set minimum standards for floor coverings installed by all Unit Owners in Buildings"; and

**WHEREAS**, Article V, Section 1(l) of the Bylaws empowers the Board to "enforce obligations of the unit owners and do anything and everything else necessary and proper for the sound management of the Condominium, including the right to bring or defend lawsuits to enforce the terms, conditions and restrictions contained in the Master Deed, these By-Laws, or the Rules and Regulations"; and

**WHEREAS**, the Master Deed, Article 9(b) p. 21, provides, "The Association...shall have the perpetual and non-exclusive right of access to each Unit (i) to inspect same (ii) for remedy [of] any violation set forth in this Master Deed, the By-

Laws or in any Rules and Regulations of the Association...provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the Unit Owner"; and

**WHEREAS**, the Master Deed, Article 11(n), provides, "No noxious or offensive activities shall be carried on...in any Unit nor shall anything be done therein either willfully or negligently which may be or become an annoyance or nuisance to the other residents" in the Association; and

**WHEREAS**, Article XI, Section 2 of the Bylaws empowers the Board to impose fines upon Unit Owners for failure to comply with the provisions of the Master Deed, Bylaws, and/or any Rules and Regulations, "except that no fine may be levied for more than \$10.00 for any one violation," but that each day that a violation persists is deemed a separate violation; and

**WHEREAS**, the Board of Directors deems it necessary to establish minimum standards for floor coverings in order to prevent annoyance and/or nuisance to residents living below certain units;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. On or before March 1, 2011 all unit owners owning a unit on the second floor must cover at least eighty percent (80%) of the floor space of that unit with carpeting.
2. All carpet installation must occur either Monday through Friday between the hours of 8:00am and 7:00pm, or Saturday through Sunday between the hours of 9:00am and 7:00pm.
3. Any unit owner that fails to comply with this resolution will be subject to a fine of \$10.00. Each day that the violation continues after notice will be considered a

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separate violation, and an additional \$10.00 fine per day shall be imposed on the offending unit owner's account.

4. Any monies due hereunder shall be collected by the Association in the same manner as an assessment.
5. Prior to any fine being payable, the accused unit owner shall the right to participate in alternative dispute resolution. The Association shall be entitled to recover all attorney fees, costs, and expenses incurred in enforcement.
6. Notwithstanding any of the above, the Association may exercise all rights and remedies available to it by law, in equity and/or pursuant to the Master Deed and Bylaws.
7. Should any provision hereof be determined to be invalid, the remaining provisions hereof shall remain in full force and effect.
8. Any provision contained within any previously adopted resolution of the Association, which conflicts with any provision(s) set forth herein, shall be deemed void and the provision herein shall govern.

**ARBOR TERRACE CONDOMINIUM ASSOCIATION, INC.**

Resolution Type: \_\_\_\_\_ Policy \_\_\_\_\_ No. \_\_\_\_\_

Relating To: Minimum Standards for Floor Coverings

Duly adopted at a meeting of the Board of Arbor Terrace Condominium Association, Inc. held this 8 day of March, 2010.

<u>Officer</u>	Vote:			
	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Mark Costa</u> , Director	✓	_____	_____	_____
<u>Kim Palmieri</u> , Director	✓	_____	_____	_____
<u>Tim Fitzpatrick</u> , Director	_____	_____	_____	✓
<u>Sherry Dworsky</u> , Director	✓	_____	_____	_____
<u>Mickey O'Hagan</u> , Director	✓	_____	_____	_____

Attest:

Sherry Dworsky  
Sherry DWORSKY, Secretary

3/8/10 Date

File:

Book of Minutes -

Book of Resolutions:

	Book No.	Page No.
Policy	_____	_____
Administrative	_____	_____
Special	_____	_____
General	_____	_____

Resolution Effective: \_\_\_\_\_, 201\_\_.

Resolution Expires: \_\_\_\_\_, 201\_\_.

NOW THEREFORE, Mark Costa, the President of Arbor Terrace Condominium Association, Inc., based on the authority granted by the Association's Master Deed, By-laws and the Board of Directors vote reflected above, hereby submits this resolution for recordation in the Monmouth County Clerk's Office.

Arbor Terrace Condominium Association, Inc.



Mark Costa, President

ACKNOWLEDGMENT

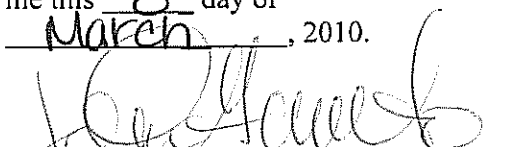
STATE OF NEW JERSEY            )  
  ) ss.  
COUNTY OF MONMOUTH        )

On the 8 day of March, 2010, Mark Costa 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 Arbor Terrace Condominium Association, Inc. (the "Corporation"), named in this document; and

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

Sworn and subscribed to before me this 8 day of March, 2010.

  
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NOTARY PUBLIC - NEW JERSEY

John J. Garito III  
Notary Public Of New Jersey  
Commission Exp. 3/5/2013

**RECORD AND RETURN TO:**  
**MCGOVERN LEGAL SERVICES, LLC**  
**P.O. BOX 1111**  
**NEW BRUNSWICK, NJ 08903-1111**