

**AMENDMENT TO THE BY-LAWS OF
KINGSBERRY ACRES CONDOMINIUM ASSOCIATION, INC.,
REGARDING MEMBERSHIP FEE**

This Amendment to the By-Laws of Kingsberry Acres Condominium Association, Inc. (the "Association"), is made on this 12th day of February, 2018, by and through the Association's Board of Trustees (the "Board"), having an address in the care of Somerset Management Group, 1215 Livingston Ave., Suite 306, North Brunswick, New Jersey 08902.

WHEREAS, the Association was established and exists by a certain Master Deed with attached By-Laws **recorded on July 11, 1983, in the Somerset County Clerk's Office in Deed Book 1483, Page 808, et seq.**, as the same may now or hereafter be lawfully amended;

WHEREAS, the Association's By-Laws, Article III, Section 9, provides, in pertinent part, "[t]he affairs of the Association shall be governed by a Board of Trustees;" and

WHEREAS, N.J.S.A. 45:22A-46.4.d(5) provides, in pertinent part:

[A]n executive board may amend the By-Laws . . . after providing notice to all association members of the proposed amendment, which notice shall include a ballot to reject the proposed amendment. Other than an amendment to render the By-Laws consistent with State, federal, or local law, if at least 10 percent of association members vote to reject the amendment within 30 days of its mailing, the amendment shall be deemed defeated; and

WHEREAS, N.J.S.A. 46:8B-15(e) provides, in pertinent part:

If authorized by the master deed or bylaws, the association may levy and collect a capital contribution, membership fee or other charge upon the initial sale or subsequent resale of a unit, which collection shall be earmarked for the purpose of maintenance of or improvements to common elements to defray common expenses or otherwise, provided that such charge shall not exceed nine times the amount of the most recent monthly common expense assessment for that unit.[:]

WHEREAS, Master Deed Section 8 provides, in pertinent part, "Each owner . . . including successors in title shall be required to pay . . . a one-time per Unit membership fee to be established by the Association By-Laws and to be used by the Association for working capital"; and

WHEREAS, the Association's By-Laws, Article II, Section 11, establishes the Membership Fee at \$100.00 per Unit; and

WHEREAS, the Board finds it is in the best interest of the Association to increase the Membership Fee to maintain and improve the common elements and defray common expenses;

WHEREAS, in accordance with N.J.S.A. 45:22A-46.4.d(5), the Association shall mail notice of this Amendment to the Unit Owners with a ballot to reject the Amendment; and

WHEREAS, this Amendment shall be recorded and become effective if, during the thirty (30) days following the mailing of the notice of Amendment, less than ten percent (10%) of the Unit Owners vote to reject the Amendment;

NOW, THEREFORE, the Association's By-Laws shall be amended as follows:

1. By-Laws Article II, Section 11, is hereby amended to read as follows: is hereby created as follows:

Section 11. MEMBERSHIP FEE. Each Owner of a Unit, including successors in title at or prior to the taking of title, shall pay a prescribed, one-time Membership Fee of \$1,500.00 for use by the Association as working capital. The Board of Trustees may alter the amount of the Membership Fee by policy resolution to any amount that does not exceed the statutory maximum. The Membership Fee shall be non-refundable and non-assignable as the Association intends each new Unit Owner pay the fee regardless of how many times a Unit may be conveyed. This fee shall be paid on each Unit owned, so that if one Owner owns five (5) Units, he must pay five such one-time membership fees. Said fee is separate from, and in addition to, assessments and charges referred to in these By-Laws and the Master Deed.

No Unit Owner acquiring title to a Unit shall be considered a member of the Association until he or she pays the Membership Fee. No Unit Owner acquiring title to a Unit shall be entitled to any rights or privileges of membership in the Association, including the right to vote on Association matters, until he or she pays the Membership Fee. The Membership Fee shall be treated as a Common Expense assessment, and the Association may collect the fee via any and all of the Association's rights and remedies with regard to unpaid Common Expense assessments. An unpaid Membership Fee shall constitute a lien on the Unit collectable in the same manner as any other Association lien on the Unit. Any rights and privileges of membership in the Association that require an Owner to be current in payment of Common Expense assessments or any other financial obligation to the Association shall also require payment of the Membership Fee.

2. Any other terms of the By-Laws that may be in conflict with Paragraph 1 of this Amendment are hereby rendered null and void.
3. All other terms of the By-Laws that do not conflict with Paragraph 1 of this Amendment shall remain in full force and effect.
4. Should any provision or clause hereof be determined to be invalid, the remaining provisions or clauses hereof shall remain in full force and effect.
5. Notwithstanding the full execution of this Amendment, this Amendment shall not take effect until recorded in the Somerset County Clerk's Office.

KINGSBERRY ACRES CONDOMINIUM ASSOCIATION, INC.

By-Laws Amendment
Regarding Membership Fees

Duly adopted at an Open Meeting of the Board of Trustees of the Kingsberry Acres Condominium
Nicole Palmieri
Association, Inc., held this 12th day of February, 2018.

Officer:
(print names)

Vote:
(mark one for each)

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Dean Hancock</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>M E Kamen</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Nicole Palmieri</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Carol Parker</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Peter Lodeszwa</u> , Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGN HERE

Attest:

(sign) Nicole Palmieri
(print) NICOLE PALMIERI, Secretary

2/12/2018
Date

WHEREAS, the Association mailed notice of this Amendment with a ballot to reject to all Unit Owners, and during the thirty (30) days following the mailing, less than ten percent (10%) of the Unit Owners voted to reject this Amendment;

NOW THEREFORE, Dean Hancock (print), the President of Kingsberry Acres Condominium Association, Inc., based on the authority granted by N.J.S.A. 45:22A-46.4.d(5), the Association's By-Laws, and the votes of the Board of Trustees and Unit Owners reflected above, hereby submits this amendment for recordation in the Somerset County Clerk's Office.

Kingsberry Acres Condominium Association, Inc.

(sign) [Signature]
(print) Dean Hancock, President

SIGN HERE

CORPORATE ACKNOWLEDGMENT

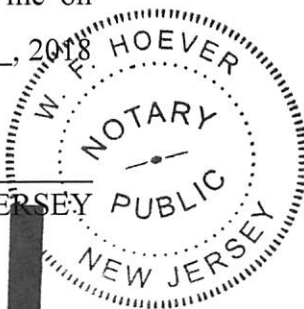
STATE OF NEW JERSEY)
) ss.
COUNTY OF SOMERSET)

On the 12th day of February, 2018, Dean Hancock 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 Kingsberry Acres Condominium Association, Inc. (the "Association"); and
- (b) this document was signed and delivered by the Association as its voluntary act and deed by virtue of authority from its Board of Trustees.

Signed and sworn to before me on

2/12, 2018
[Signature]



NOTARY PUBLIC NEW JERSEY
W. F. Hoever
NOTARY PUBLIC OF NEW JERSEY
ID No. 2095905
My Commission Exp. April 12, 2017
2022

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