

0023367

Prepared by:

  
ERIC D. MANN, ESQUIRE

POLICY RESOLUTION

VILLAGE OF BLUE HERON PINES HOMEOWNERS ASSOCIATION, INC.

ASSESSMENT OF FINES

WHEREAS, the Village of Blue Heron Pines Homeowners Association, Inc. is a non-profit corporation of the State of New Jersey and is governed by a Declaration of Covenants, Conditions and Restrictions recorded in the Office of the Recording Officer of Atlantic County on August 2, 1995 in Book 5839 of Deeds, at Page 1; and

WHEREAS, Article IV, Section 1 of the By-Laws states: "The property, affairs and business of the Homeowners Association shall be managed by the Board of Trustees, which shall have all those powers granted to it by the Certificate of Incorporation, the Declaration, these By-Laws and by law"; and

WHEREAS, Article V, Section 1 of the By-Laws bestows upon the Board of Trustees "all of those powers, granted to it or necessarily implied by law or by the Certificate of Incorporation, these By-Laws, or the Declaration"; and

WHEREAS, Article V, Section 1(f) provides the Board of Trustees with the specific power and authority to "adopt, amend, and publish rules and regulations covering the details of the operation and use of the proprietary common property"; and

WHEREAS, Article V, Section 1(i) bestows upon the Board of Trustees the power to "enforce obligations of the members and do

086150P221

anything and everything else necessary and proper for the sound management of the homeowners' common property, including the right to bring and defend lawsuits and to enforce the covenants, conditions and restrictions contained in the Declaration, these By-Laws and any rules and regulations governing the homeowners' common property. The Board shall also have the power to levy fines against any members for violations of any of the foregoing"; and

WHEREAS, Article XI, Section 2 specifically bestows upon the Board of Trustees the power to "levy fines against any member for any violation of the rules and regulations of the Homeowners Association or for any violation of the covenants, conditions and restrictions contained in the Declaration or these By-Laws"; and

WHEREAS, the Board of Trustees deems it necessary and advisable to implement a system of fines to aid and supplement the enforcement of the covenants, conditions and restrictions as well as the rules and regulations of the Association;

NOW, THEREFORE, be it resolved on this 16th day of May, 1997 by the Board of Trustees that the following system of fines is hereby adopted:

1. In the event that the Board of Trustees becomes aware of a violation of the Declaration of Covenants and Restrictions, By-Laws, and/or the rules and regulations of the Association, the Board may, in its discretion, levy against the offending member a fine in the amount of Twenty Five (\$25.00) Dollars for any single violation.

DB6150P222

2. For the purpose of assessing fines, in the event of a violation of the Declaration, By-Laws or rules and regulations of the Association, the Board of Trustees may, at its discretion, treat each violation as a separate violation for each day after notice of the violation is served upon the offending member.

3. All members are responsible for the conduct of their tenants, guests and/or occupants and any violation of the Declaration, By-Laws or rules and regulations by the tenants, guests or occupants of a unit shall be assessable against the member.

4. Prior to the imposition of any fine pursuant to this policy, the offending member shall be given at least ten (10) days prior written notice and afforded an opportunity to be heard before the Board, with or without counsel, with respect to the violations asserted. In order for an offending member to be heard by the Board, formal written request must be made. Upon receipt of a formal written request to be heard, the Board shall allow the offending member an opportunity to discuss and address the alleged violation and the imposition of fines.

5. Fines shall be assessed beginning with the date of the first offense, which fine may continue until the violation has been abated.

6. Any fines assessed pursuant to this policy may be enforced against any member involved as if the fines were an assessment owed by the particular member. Accordingly, all fines

are assessable and collectable in a similar fashion as are common assessments.

7. This resolution is intended to supplement the Declaration of Covenants, Conditions and Restrictions, By-Laws, resolutions, and rules and regulations of the Association. The provisions as set forth in this resolution shall not, nor are they intended to, supersede or invalidate any other provisions contained in the Declaration, By-Laws, resolutions, or rules and regulations of the Association. The Board specifically reserves the right to record this resolution in the Atlantic County Clerk's Office. Regardless of whether or not this resolution is so recorded, it shall be effective as of the date of its execution by the governing Board.

VILLAGE OF BLUE HERON PINES  
HOMEOWNERS ASSOCIATION, INC.

By: Thomas J. Kuhar  
Chief Operating Manager  
and President - BHP Homeowners Assoc.  
Thomas J. Kuhar

ATTEST:

Michael A. Lantz  
Michael A. Lantz  
Manager of Finance  
and Secretary - BHP Homeowners Assoc.



DB615UP224



0023367

|   |   |
|---|---|
| POLICY RESOLUTION   | DATED:  |
| VILLAGE OF BLUE HERON PINES<br>HOMEOWNERS ASSOCIATION, INC. | Record and Return to:<br>SILLS CUMMIS ZUCKERMAN RADIN<br>TISCHMAN EPSTEIN & GROSS<br>17 Gordon's Alley<br>Atlantic City, NJ 08401 |
| COLLECTION POLICY   |   |

*DPH-1*  
*Collection Dept*

*2*

RECORDED  
ATLANTIC COUNTY  
97 JUN -7 AM 9:20  
*Mills*  
COUNTY CLERK

DB6150P226