

Prepared By: _____
Caroline Record, Esq.

WHITING STATION AT CRESTWOOD HOMEOWNERS ASSOCIATION, INC.

**AMENDMENTS TO BYLAWS
(regarding compliance with the "Radburn Bill")**

P R E A M B L E

A. The Declaration of Covenants and Restrictions for Whiting Station at Crestwood Homeowners Association (the "Declaration") was recorded in the office of the Ocean County Clerk on February 18, 1988 in Deed Book 4640 at Page 084 et seq, and the By-Laws of Whiting Station at Crestwood Homeowners Association, Inc. (the "By-Laws"), were recorded as an attachment to the Declaration.

B. The Governing Documents state that each Owner and any occupant or guest of a Lot agrees to comply with and assumes ownership or occupancy subject to the provisions of the Governing Documents, including any rules and regulations of the Association and any amendments thereto.

C. On July 31, 2017, the Planned Residential Real Estate Development Full Disclosure Act ("PREDFDA") laws concerning New Jersey community association bylaws were amended by S-2492/A-4091 (sometimes referred to as the "Radburn Bill"). The Board of Trustees (the "Board") of the Association has approved and adopted these amendments to include and reference the provisions of the Radburn Bill applicable to the Association's Bylaws. [The Radburn Bill provisions not expressly mentioned in this Amendment are nevertheless incorporated in the Bylaws if and to the extent applicable and required.]

D. At a regular meeting of the Board held on March 12 2019, pursuant to the Declaration and Bylaws and pursuant to the amendment powers vested with the Board by and under the Radburn Bill, by majority vote, the Board approved the amendments to the Bylaws as stated below, so that the Bylaws are consistent with New Jersey law.

NOW, THEREFORE, the amendments to the Bylaws are as follows:

1. Article II, Section 2 (captioned "Definitions") is amended, as required by the Radburn Bill, so that "Good Standing" means that the Member is current on payments of all common expenses, late fees, interest, fines, legal fees, or other charges lawfully assessed or imposed. (The phrase "current on payments ..." means that the Member's outstanding balance does not exceed an amount equal to one (1) month's common expense assessment. The date for determining good standing shall be the business day immediately preceding the annual meeting or other applicable meeting or date. A Member is deemed to be in good standing if the Member is (a) in full compliance with a settlement agreement with regard to past due assessments and other charges or (b) has a pending unresolved dispute regarding these charges that has been initiated through a valid request for alternative dispute resolution (ADR). This section is further supplemented to reflect that the total number of eligible units or unit owners to be used in the denominator when determining the

outcome of a membership vote shall mean the total number of units minus any Members who are ineligible to vote because they are not in good standing.

2. Article III, Section 3 (captioned "Notice of Meetings") is amended, as required by the Radburn Bill, to reflect (a) that annual meeting notices shall be sent at least fourteen (14) and not more than sixty (60) days prior to the election meeting and (b) that the annual meeting notice shall include a proxy ballot and absentee ballot. The annual meeting notice may be sent via electronic or equivalent methods if (a) the Member has agreed in writing to accept electronic notice or (b) the Bylaws permit electronic notices, provided another form of voting by absentee ballot or proxy is available.
3. Article III, Section 6 (captioned "Voting") is supplemented, as required by the Radburn Bill, to reflect that the ballot documents shall list the candidates in alphabetical order based on their last names.
4. Article III, Section 6 (captioned "Voting") is further supplemented to permit electronic balloting. (A Member must consent to electronic voting and, if otherwise, must be permitted to vote as otherwise provided in the Bylaws, via absentee ballot.)
5. Article III, Section 6 (captioned "Voting") is amended by adding the following new section 6A as required by the Radburn Bill:

6A Nominations. Nomination notices shall be sent to all Members at least thirty (30) days prior to the date of mailing of the election notice and shall state that Members have the right to nominate themselves or other Members in good standing for candidacy to the serve on the Board of Trustees. The nomination notice shall provide a period of at least fourteen (14) days following the mailing of the nomination notice for nominations to be submitted and received. A nomination deadline may be included in the nomination notice provided it includes this minimum fourteen (14) day period. A nomination shall be accepted and the nominee's name shall be included in the election ballot documents provided the nomination is received prior to the mailing of the election ballots (or, if applicable, proxies) to the Members. The election ballot documents may be sent no earlier than (a) the day following the deadline, if any, stated in the nomination notice or (b), if no deadline is stated, then the business day prior to the mailing of the election notice containing the ballot documents.

6. Article III, Section 7 is hereby created as follows:

7. Electronic Voting

- (a) Notwithstanding any other provision of this Article or these By-Laws, notices, voting, consent to and approval of any matter pursuant to the Master Deed or By-Laws may be accomplished by electronic transmission or other equivalent technological means provided that a record is created as evidence thereof and maintained as long as such record would be required to be maintained in non-electronic form. An Owner can request that all necessary notices be transmitted to it via regular mail.
- (b) To the extent permitted by law, the Association may elect to conduct elections and other membership votes through an internet-based online voting system according to the following terms.

- (1) The members' identity must be authenticated to the online voting system;
 - (2) Electronic ballots must be transmitted in a way that ensures the secrecy, confidentiality and integrity of each ballot;
 - (3) Receipts sent from the electronic voting system must be subject to verification.
 - (4) The system must store and keep electronic ballots accessible to election officials for recount, inspection, and review purposes;
 - (5) A member voting electronically is counted as being in attendance at the meeting for purposes of determining a quorum;
 - (6) Members who cannot or choose not to vote online shall be provided with the opportunity to vote using an alternative method;
- (c) The Board shall have the authority to adopt, amend and publish rules and regulations to implement this provision

7. Article VIII Amendments(captioned "Amendments") is supplemented, pursuant to the Radburn Bill, to include the following additional methods and bases for amending the Bylaws:

The Bylaws or any of them may be altered, amended or repealed, or new Bylaws may be made, at any meeting of the Homeowners Association duly constituted for such purpose, a quorum being present, by affirmative vote of 51 % of the votes eligible to be cast, in person or by absentee ballot. Any such altered, amended, repealed or new Bylaws shall be effective when recorded in the Ocean County Clerk's Office. The Bylaws may be amended by the Board of Trustees to comply with statutory changes in the laws of the State of New Jersey.

The Board of Trustees may also amend the Bylaws: (a) to the extent necessary to render the Bylaws consistent with state, federal or local laws; or (b) after providing notice to the Members of the proposed amendment, which notice shall include a ballot to reject the proposed amendment unless at least ten percent (10%) of the Members vote to reject the amendment within thirty (30) days of its mailing, in which event the amendment would be deemed defeated.

8. No other Modification. All other provisions contained in the Bylaws, except to the extent that they are modified herein, shall remain in full force and effect. If and to the extent any portion of this Amendment is determined to be invalid, to violate any applicable laws, or to violate the Declaration or Bylaws, such portion shall be deemed inapplicable, ineffective and unenforceable to the extent necessary to avoid such violation, but the remaining provisions of this Amendment will not be affected or impaired.

NOTICE AND RECORDING. The Association's Managing Agent is authorized to prepare correspondence, in appropriate form and substance, and thereafter circulate same, along with a copy of this Resolution, to all Owners. The Association also authorizes and directs its legal counsel to arrange for recordation of a copy of this Resolution with the Ocean County Clerk's Office in order to establish the recording of this clarification to the Declaration in the chain of title. The Ocean County Clerk is authorized and requested to annotate the Declaration (for example, by reference in the margin) to reference the recording of this Amendment.

12 IN WITNESS WHEREOF, this Amendment has been approved by the Board on this day of March, 2019 and shall be effective upon recording in the Ocean County Clerk's office.

ATTEST:

Colleen Hartigan
Colleen Hartigan, Secretary

WHITING STATION AT CRESTWOOD
HOMEOWNERS ASSOCIATION, INC.

By: Gail Castle
Gail Castle, President

STATE OF NEW JERSEY)

) SS.:

COUNTY OF)

I CERTIFY that on March 18, 2019, Colleen Hartigan personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of the WHITING STATION AT CRESTWOOD HOMEOWNERS ASSOCIATION, INC., a nonprofit corporation of the State of New Jersey, named in this document;
- (b) this person signed this document as attesting witness for the proper corporate officer who is Gail Castle, the President of the corporation;
- (c) this person knows the proper corporate seal of the corporation and the proper corporate seal was affixed;
- (d) this document was signed and delivered by the corporation as its voluntary act and deed by virtue of authority from its Board of Directors; and
- (e) this person signed this acknowledgment to attest to the truth of these facts.
- (f) this Resolution was duly introduced and was thereafter adopted at a regular scheduled meeting of the Board of Trustees, at which a quorum was present, by a majority vote of the members of the Board of Directors eligible to vote on this matter.

Colleen Hartigan, Secretary

Signed and sworn to before me
on March 18, 2019.

[Signature]
Notary Public

SUSAN G. TESTA
NOTARY PUBLIC OF NEW JERSEY
I.D. # 2394510
My Commission Expires 3/23/2020

Record & Return To:
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