



OCEAN COUNTY CLERK'S OFFICE
RECORDING DOCUMENT
COVER SHEET

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INSTR # 2022034122
OR BK 18956 PG 760
RECORDED 03/18/2022 02:30:46 PM
SCOTT M. COLABELLA, COUNTY CLERK
OCEAN COUNTY, NEW JERSEY

OFFICIAL USE ONLY

DATE OF DOCUMENT: (Enter Date as follows:00/00/0000)

02/28/2022

TYPE OF DOCUMENT: (Select Doc Type from Drop-Down Box)

DEED

OFFICIAL USE ONLY - REALTY TRANSFER FEE

FIRST PARTY NAME: (Enter Last Name, First Name)
Greenbriar II Homeowners Association

SECOND PARTY NAME: (Enter Last Name, First Name)
Greenbriar II Homeowners Assoc.

ALL ADDITIONAL PARTIES: (Enter Last Name, First Name)

RETURN NAME AND ADDRESS:
Greenbriar II Homeowners Association
1 Greenbriar Blvd.
Brick, NJ 08724

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

BLOCK:

LOT:

MUNICIPALITY: (Select Municipality from Drop-Down Box)

CONSIDERATION:

MAILING ADDRESS OF GRANTEE: (Enter Street Address, Town, State, Zip Code)

Street
Address

Town

State

Zip

THE FOLLOWING SECTION IS FOR
ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES,
SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

ORIGINAL BOOK:

3726

ORIGINAL PAGE:

1

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OCEAN COUNTY CLERK'S OFFICE RECORDING DOCUMENT COVER SHEET

Please do not detach this page from the original document as it
contains important recording information and is part of the permanent record.

**THE GREENBRIAR II HOMEOWNERS ASSOCIATION
AMENDMENT TO THE BY-LAWS
TO COMPLY WITH N.J.S.A. §46:15-15 to 18**

These Amendments to the By-Laws of The Greenbriar II Homeowners Association (the "Association") are made this 28 day of February, 2022 by the Association, a non-profit corporation of the State of New Jersey, by and through its Board of Trustees (the "Board"), having a principal address of 1 Greenbriar Boulevard, Brick, New Jersey; and

WHEREAS, the Association was created by, among other things, a Declaration of Covenants and Restrictions (the "Declaration") with attached By-Laws, all as may be amended from time to time (collectively the "Governing Documents"), which were initially recorded in the office of the **Ocean County Clerk on July 20, 1978, in Book 3736, Page 1, et. seq.**; and

WHEREAS, on or about June 30, 2021, the Legislature of the State of New Jersey passed S.2861/A.5390, which, in part, provides that:

each board shall review the association's governing documents to determine whether those documents contain any restriction, covenant, or condition, that prohibits or limits the conveyance, encumbrance, rental, occupancy, or use of real property as prohibited by section 4 of P.L.1945, c.169 (C.10:5-4) or subsection g. of section 11 of P.L.1945, c.169 (C.10:5-12). If an association finds such an unlawful restriction, covenant, or condition in any of those documents, it shall amend the document or documents to remove the restriction, covenant, or condition. Removal of such a restriction, covenant, or condition shall not require approval of the members of the association...

; and

WHEREAS, on or about November 8, 2021, Governor Murphy signed S.2861/A.5390 into law; and

WHEREAS, S.2861/A.5390, has been approved as P.L.2021, c.274 and will be codified as N.J.S.A. §46:15-15 to 18; and

WHEREAS, after review of the Association's Governing Documents, the Board found that it must adopt the following amendments to comply with section 4 of P.L.1945, c.169 (C.10:5-4) and/or subsection g. of section 11 of P.L.1945, c.169 (C.10:5-12); and

WHEREAS, an open Board meeting was duly held by the Association on the 28 day of February, 2022; and

WHEREAS, at the February 28, 2022 open Board meeting, the Board voted in favor of amending the Governing documents to the extent necessary to render them consistent with section 4 of P.L.1945, c.169 (C.10:5-4) and/or subsection g. of section 11 of P.L.1945, c.169 (C.10:5-12), as set forth herein; and

NOW, THEREFORE, the Association hereby amends and modifies the Association's Governing Documents as set forth below:

NOW, THEREFORE, THE ASSOCIATION'S GOVERNING DOCUMENTS ARE AMENDED AS FOLLOWS:

1. OWNERSHIP AND RESIDENCY

The Declaration, Article III, Section 1, is hereby deleted in its entirety and replaced with the following language:

The Greenbriar II Homeowners Association operates as housing for older persons. Housing in the Association is intended for occupancy by at least one person 55 years of age or older per Home. To maintain this intent:

- Each Home must be occupied by at least one person fifty-five (55) years of age or older; and
- No individual(s) under the age of eighteen (18) may be domiciled in any Home in the Association.

2. MEMBERSHIP

The Association's By-Laws, Article II, Section 1B., is hereby deleted in its entirety and replaced with the following language:

Every Owner of a Home within the Association is a Member of the Association. These By-Laws shall in no way restrict ownership/Membership to persons fifty-five (55) years of age or older; however, no Owner shall occupy a Home until he/she/they meets the age qualifications for the Home. The inability of any Owner to occupy the Home for failure to meet the age qualifications or otherwise, shall not, in any way, serve to exempt the Owner of the obligations to pay assessments and other charges to the Association.

3. MEMBERSHIP

The Association's By-Laws, Article II, Section 2A., is hereby deleted in its entirety and replaced with the following language:

The Association has one (1) class of voting membership. Members are entitled to one (1) vote for each Home in which they hold the interest required for membership.

4. OCUCPANCY

The Association's By-Laws, Article IX, Section 1, is hereby deleted in its entirety and replaced with the following language:

Every Home in the Association is subject to the following restrictions:

- The Home must be occupied by at least one person fifty-five (55) years of age or older; and
- No individual(s) under the age of eighteen (18) may be domiciled in any Home in the Association; This means that no

individual(s) under the age of eighteen (18) may reside in the Home for more than four (4) weeks in any six (6) month period; and

- The Home shall not be permanently occupied at any time by more than four (4) individuals; and
 - The Home shall not be used for any purpose other than as a single family dwelling; and
 - All Owners, tenants, occupants, residents and guests are subject to the Declaration, these By-Laws and all rules and regulations of the Association.
5. 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.
 6. Any provision of the Governing Documents or any prior amendments thereto which conflict with this Amendment is hereby null and void. In the event any prior amendment(s), or any provision(s) of these Governing Documents, is/are found to conflict with the terms of this Amendment, the terms of this Amendment shall control.
 7. All provisions of the Governing Documents which do not conflict with this Amendment and which are not amended by this Amendment shall remain unchanged and in full force and effect.
 8. Notwithstanding the full execution of this Amendment, this Amendment shall not take effect until this Amendment is recorded in the Ocean County Clerk's Office.

THE GREENBRIAR II HOMEOWNERS ASSOCIATION

Amendment: Policy

Pertaining To: Governing Document Provisions to Comply with N.J.S.A. §46:15-15 to 18

Duly adopted at a meeting of the Board of Trustees of The Greenbriar II Homeowners Association held this 28 day of February, 2022.

<u>Officer</u>	Vote:			
	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Walt Tucker</u> , Trustee	<u>WT</u>	—	—	—
<u>Stan Miszczanski</u> , Trustee	<u>SM</u>	—	—	—
<u>Maureen Porter</u> , Trustee	<u>MP</u>	—	—	—
<u>Robert Leach</u> , Trustee	—	—	<u>RL</u>	—
<u>Anne Marie Wilcox</u> , Trustee	<u>AW</u>	—	—	—

Attest:

THE GREENBRIAR II HOMEOWNERS ASSOCIATION

Robert Leach
Robert Leach, Secretary

Anne Marie Wilcox
Anne Marie Wilcox, President

Amendment Effective: Upon recording with the County Clerk.

