



OCEAN COUNTY CLERK'S OFFICE  
RECORDING DOCUMENT  
COVER SHEET

SCOTT M. COLABELLA  
OCEAN COUNTY CLERK  
P.O. BOX 2191  
TOMS RIVER, NJ 08754-2191  
(732) 929-2110  
www.oceancountyclerk.com



INSTR # 2023017270  
DR BK 19318 PG 362  
RECORDED 03/08/2023 09:09:40 AM  
SCOTT M. COLABELLA, COUNTY CLERK  
OCEAN COUNTY, NEW JERSEY

OFFICIAL USE ONLY

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

2-27-2023

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 Association

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)

BRICK

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:

3736

ORIGINAL PAGE:

1

100-cash-KMB  
⑥

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**

This Amendment to the By-Laws of The Greenbriar II Homeowners Association (the "Association") made this 27 day of February, 2023 by the Association, a non-profit Corporation of New Jersey, by and through it's Board of Trustees (the "Board"), having a principal address of 1 Greenbriar Blvd, Brick NJ 08724; and

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

**WHEREAS**, P.L. 2017, Ch. 106, often referred to as the Radburn Bill, a supplement to the Planned Real Estate Development Full Disclosure Act, passed on July 13, 2017, provides that, "[a]n executive board shall not amend the bylaws of an association without a vote of the association members open to all association members, as provided in the association's bylaws... except an executive board may amend the bylaws under the following circumstances: (a) to the extent necessary to render the bylaws consistent with State, federal or local law;" and

**WHEREAS**, an open board meeting was duly held by the Association on February 27, 2023; and

**WHEREAS**, at the February 27, 2023 meeting, the Board voted in favor of amending the By-Laws as set forth herein; and

**NOW, THEREFORE**, the Association hereby amends and modifies the Association's By-Laws as set forth below:

**NOW, THEREFORE, THE ASSOCIATION'S BY-LAWS ARE AMENDED AS FOLLOWS:**

**1. MEMBER IN GOOD STANDING:**

**By-Laws, Article II, Section 5 is hereby deleted in its entirety and replaced with the following:**

A Home Owner shall be deemed to be in good standing for purposes of: (1) being countered for quorum at any meeting of the Home Owners; (2) voting on any matter open to the membership, including voting in board elections and voting on By-Law Amendments; and (3) nominating or running for any membership position on the Board of Trustees if he or she is:

- 1) current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed; or
- 2) in full compliance with a settlement agreement with respect to the payments of assessments, legal fees or other charges lawfully assessed; or

- 3) has a pending, unresolved dispute concerning charges assessed which dispute has been initiated through a valid alternative to litigation pursuant to N.J.S.A. 46:45:22A-44.2(c), through N.J.S.A. 46:8B-14(k), or through a pertinent court action

The definition of "Good Standing" as it relates to use and access to common amenities shall mean the status applicable to an association member who is in compliance with all provisions of the Association's Declaration, By-Laws and Rules and Regulations and who is current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed, and which association member has not failed to satisfy a judgment for common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed. The Association may restrict use and access to common amenities for any Home Owner who is in violation of any provision of the Association's Declaration, By-Laws or Rules and Regulations or who is not current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed.

## 2. NOTICE OF MEETING:

**By-Laws, Article III, Section 2, Subsections B and C are hereby deleted in their entirety and replaced with the following language:**

Notice of the annual meeting and board election must be given not less than fourteen (14) days prior to the annual meeting and election. In addition, notice of an election shall be provided to all members via personal delivery, mail or electronic means. (Members must consent in writing to receiving electronic notifications.) Notice of the election shall include a proxy ballot and an absentee ballot. Notice shall be deemed effective when deposited in the mail with proper postage or immediately upon sending an electronic notice.

Proxies used for elections shall state, "Use of this proxy is voluntary on the part of the granting owner. This proxy may be revoked at any time before the proxy holder casts a vote. Absentee ballots are also available." The Association must provide both a proxy form and an absentee ballot for all Board elections.

At least thirty (30) days prior to the mailing of the notice of an election meeting, the Association must provide written notice to all members of their right to nominate themselves or other Association members in good standing for candidacy to serve on the Board. Members must be given at least fourteen (14) days to respond to the request for nominations, and any nomination form that is received prior to the mailing of absentee ballots or proxies to Association members must be added to the ballots and proxies, if the nominee is in good standing. Ballots and proxies may be mailed no earlier than the day after the response deadline set in the request for nominations. If no response deadline is set in the request for nominations, then the deadline shall be the business day before notice of the election is mailed to the members. All candidates nominated for the Board shall be listed in alphabetical order by last name on the proxy ballot and absentee ballot.

**3. CANDIDATES FOR ELECTION**

**By-Laws, Article IV, Section 3, Subsection B, Paragraph 1, is hereby deleted in its entirety.**

**4. TERM OF OFFICE**

**By-Laws, Article IV, Section 7, Subsection A, the last three sentences beginning with "No Trustee may serve..." are hereby deleted in their entirety.**

**5. AMENDMENTS TO THE BY-LAWS**

**By-Laws, Article XIV shall be amended to incorporate the following language:**

Notwithstanding anything to the contrary, the Board of Trustees may amend these By-Laws as follows:

- (a) Without a membership vote to the extent necessary to render the By-Laws consistent with State, Federal or local law; or
  - (b) By providing notice to all association members of the proposed amendment, which notice shall include a ballot to reject the proposed amendment. If at least ten (10) percent of association members vote to reject the amendment within thirty (30) days of its mailing, the amendment shall be deemed defeated. If less than ten (10) percent of association members vote to reject the amendment within thirty (30) days of its mailing, the amendment shall be recorded with the Ocean County Clerk and thereafter take full force and effect.
6. 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.
  7. All provisions of the By-Laws 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 No.

Pertaining To: By-Law Amendments

Duly adopted at a meeting of the Board of Trustees of The Greenbriar II Homeowners Association, held this 27 day of February, 2023.

| <u>Officer</u>                   | <u>Vote:</u> |           |                |               |
|----------------------------------|--------------|-----------|----------------|---------------|
|                                  | <u>YES</u>   | <u>NO</u> | <u>ABSTAIN</u> | <u>ABSENT</u> |
| <u>Stan Miszczenki</u> , Trustee | X            | —         | —              | —             |
| <u>Rodney Pavaoli</u> , Trustee  | X            | —         | —              | —             |
| <u>Robert Leach</u> , Trustee    | —            | —         | X              | —             |
| <u>Walter Tucker</u> , Trustee   | X            | —         | —              | —             |
| <u>James Harris</u> , Trustee    | X            | —         | —              | —             |

Attest:

  
 \_\_\_\_\_  
 James HARRIS, Secretary

**THE GREENBRIAR II HOMEOWNERS ASSOCIATION**

  
 \_\_\_\_\_  
 Stan Miszczenki, President

Amendment Effective: Upon recording with the County Clerk.

