



**Middlesex County
Document Summary Sheet**

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MISCELLANEOUS DEED	Type	MISCELLANEOUS DEED				
	Consideration					
	Submitted By	STARK AND STARK, A PROFESSIONAL CORPORATION (CSC/INGEO S				
	Document Date	08/22/2023				
	Reference Info					
	Book ID	Book	Beginning Page	Instrument No.	Recorded/File Date	
	GRANTOR	Name			Address	
		WHITTINGHAM CONDOMINIUM ASSOCIATION SECTION ONE INC				
	GRANTEE	Name			Address	
		NA				
	Parcel Info					
	Property Type	Tax Dist.	Block	Lot	Qualifier	Municipality
		MN	BK 3593	PG 313		MNR
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AMENDMENT TO THE BY-LAWS
OF
WHITTINGHAM CONDOMINIUM ASSOCIATION, SECTION ONE, INC.

This Amendment to the By-Laws of Whittingham Condominium Association, Section One, Inc. is made this 22 day of August, 2023 by Whittingham Condominium Association, Section One, Inc., having a principal address of 100 Whittingham Drive, Monroe Township, New Jersey 08831.

WHEREAS, Whittingham Condominium Association, Section One, Inc. ("Condo One"), was formed and exists, in part, by the recording of a Master Deed, with By-Laws, on February 3, 1987 in the Middlesex County Clerk's Office in Deed Book 3593, Page 313, et seq. ("Condo One Master Deed"); and

WHEREAS, Whittingham Homeowners Association, Inc. ("WHOA"), was formed and exists, in part, by the recording of a Declaration of Covenants, Conditions and Restrictions, with By-Laws, on January 30, 1987 in the Middlesex County Clerk's Office in Deed Book 3592, Page 621, et seq ("Declaration"); and

WHEREAS, there are 1,607 members of WHOA which includes the original development known as the Whittingham Section with 413 Units (122 Condo One Units, 227 Condo Two Units, and 64 standalone Units which are only members of WHOA) and the subsequently developed Greenbriar Homeowners Association, Inc. with 1,194 Units; and

WHEREAS, the Planned Real Estate Development Full Disclosure Act ("PREDFDA"), N.J.S.A. 45:22A-45.1, et seq., was amended on July 13, 2017; and

WHEREAS, PREDFDA, as amended, permits a board of trustees of a community association to make amendments to the By-Laws by providing notice and a rejection ballot to unit owners as long as less than 10% of the unit owners return the rejection ballot within thirty days after mailing the notice and rejection ballot; and

WHEREAS, the By-Laws of Condo One delegate significant duties of management and administration to WHOA; and

WHEREAS, while the remaining, undelegated duties of management and administration of Condo One are fairly minor, having some but not all of such duties delegated to WHOA presents organizational complications and requires unnecessary costs; and

WHEREAS, the WHOA Board of Trustees has been responsible for the Condo One powers and duties for a significant period of time; and

WHEREAS, it was determined that to better administer and operate Condo One, the Condo One By-Laws should delegate all remaining duties of management and administration to WHOA and that the Condo One Board of Directors should be discontinued; and

WHEREAS, on January 15, 2021 with the unanimous approval of the Whittingham Section representatives, the Condo One By-Laws were amended as set forth below; and;

WHEREAS, after amending the Condo One By-Laws, the Board of Trustees, with the unanimous approval of the Whittingham Section representatives, authorized that notice of the By-Laws Amendments be delivered to Condo One Unit Owners along with a rejection ballot; and

WHEREAS, on April 22, 2021 notice of the By-Laws Amendments were mailed to all Condo One and Condo Two Unit Owners along with a rejection ballot; and

WHEREAS, less than 10% of the 122 Condo One Unit Owners returned a rejection ballot within 30 days after the mailing of the notice and rejection ballots; and

WHEREAS, the Condo One By-Laws Amendment shall be deemed valid;

WHEREAS, the Condo One By-Laws Amendment delegates authority to the WHOA Board to act as the Condo One Board in all instances; and

NOW, THEREFORE, Condo One does hereby amend, modify and supplement the By-Laws as follows:

A. CONDO ONE BY-LAWS AMENDMENTS

1. Condo One By-Laws Article IV, Section 1 shall be omitted in its entirety and replaced with the following to read:

SECTION 1. Express and Implied Powers and Duties – Delegation. The property, affairs and business of the Condominium Association shall be managed by the Board all of which powers, duties and obligations, together with the right to exercise discretion, are hereby exclusively and irrevocably delegated to the Board of Trustees of the Homeowners Association, together with those other powers and privileges of the Board set forth elsewhere in these By-Laws and in the Master Deed and Certificate of Incorporation and by law. The Board of the Homeowners Association shall act as the Condominium Board in all instances.

2. Condo One By-Laws Article IV, Sections 2 through 11 (Board of Directors) are omitted in their entirety such that the Board of the Homeowners Association shall act as the Condominium Board in all instances. This amendment is made in acknowledgement of WHOA By-Laws Article IV, Section 2(a), as amended on January 27, 1998, which provides in relevant part that Trustees A and B of the WHOA Board of Trustees shall be elected from Owners of the 413 Homes (122 Condo One, 227 Condo Two, and 64 Homes) not developed by

U.S. Homes ("Whittingham Section") although all Members of WHOA shall be entitled to vote for all Trustees. This amendment is also made in acknowledgment of WHOA Declaration Article IV, Section 3, as amended on August 11, 1998, which provides that (a) all decisions involving the establishment of the Variable Expense Budget, including reserves, for the Whittingham Section shall be approved autonomously by a majority of the Board members from the Whittingham Section (i.e., at least Trustees A and B), (b) if the Whittingham Section Board members cannot agree on the Variable Expense Budget, including reserves, the entire WHOA Board of Trustees shall establish the Variable Expense Budget and it must be approved by a majority of all Homeowners in the Whittingham Section, and (c) if a majority of all Homeowners in the Whittingham Section do not approve the Variable Expense Budget an assessment shall be presumed to be made which is equal to 110% of the prior year's Variable Expense Budget, including reserves, pursuant to WHOA Declaration Article IV, Section 7. Nothing in this Condo One By-Laws amendment shall change these mandates as set forth in the WHOA By-Laws.

3. The first sentence of Condo One By-Laws Article V, Section 1 has been amended to read:

SECTION 1. General Powers and Privileges. The Board shall have these powers, all of which powers and privileges, together with the right to exercise discretion, are hereby exclusively and irrevocably delegated to the Board of Trustees of the Homeowners Association, together with all of those other powers and privileges of the Board set forth elsewhere in these By-Laws and in the Master Deed and Certificate of Incorporation.

4. The first sentence of Condo One By-Laws Article V, Section 2 has been amended to read:

SECTION 2. Further Delegated Powers. The Board shall have these further powers, all of which powers and privileges, together with the right to exercise discretion, are hereby exclusively and irrevocably delegated to the Board of Trustees of the Homeowners Association, together with all of those other powers and privileges of the Board set forth elsewhere in these By-Laws and in the Master Deed and Certificate of Incorporation.

5. The first sentence of Condo One By-Laws Article V, Section 3 has been amended to read:

SECTION 3. Duties and Responsibilities. It shall be the affirmative and perpetual obligation and duty of the Board to perform the following, all of which duties and obligations, together with the right to exercise discretion, are hereby exclusively and irrevocably delegated to the Board of Trustees of the Homeowners Association, together with those other powers and privileges of the Board set forth elsewhere in these By-Laws and in the Master Deed and Certificate of Incorporation including, without limitation, those set forth in By-Laws Articles VI (Fiscal Management), IX (Additions, Alterations or Improvements by Homeowners

Association), and X (Damage or Destruction) hereof and in Master Deed Paragraph 7 (Covenant for Maintenance and Capital Improvement Assessments):

6. Condo One By-Laws Article VII, Sections 1 through 6 (Officers) are omitted in their entirety such that the officers of the Homeowners Association shall act as the Condominium officers in all instances.

7. Condo One By-Laws Article XII shall be amended to read:

AMENDMENTS

Subject to the restrictions in Section 7 of Article VI hereof, these By-Laws, or any of them, may be altered or repealed, or new By-Laws may be made, as permitted by law or at any meeting of the Condominium Association duly held for such purpose, and previous to which written notice to Unit Owners of the exact language of the amendment or of the repeal shall have been sent, a quorum being present, by an affirmative vote of 51% in number and in interest of the votes entitled to be cast in person or by proxy, except that (i) the obligation or the proportionate responsibility for the payment of Common Expenses with respect to Units or the Common Elements may not be changed by reason of any such new By-Laws, amendment or repeal, and (ii) no power or duty delegated to the Homeowners Association or its Board may be revoked, amended or modified except new delegations of powers or duties to the Homeowners Association may be made by amendment.

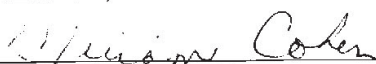
IN WITNESS WHEREOF, the undersigned have executed this Amendment to the By-Laws of Whittingham Condominium Association, Section One, Inc. the day and year listed above.

ATTEST:

WHITTINGHAM CONDOMINIUM
ASSOCIATION, SECTION ONE, INC. and
WHITTINGHAM HOMEOWNERS
ASSOCIATION, INC.



Gail Alper, Secretary

By: 

Mirjam Cohen, President

STATE OF NEW JERSEY)
COUNTY OF MIDDLESEX) ss.

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