

**FOUR OAKS NEIGHBORHOOD CONDOMINIUM ASSOCIATION, INC.**

**RESOLUTION PERTAINING TO REPLACEMENT OF GARAGE DOORS**

**WHEREAS**, Article II, Section 2.01 of the Master Deed provides that the care, maintenance and replacement of garage doors are Unit Owner responsibilities; and

**WHEREAS**, New Jersey's Hotel and Multiple Dwelling Law, specifically Sections N.J.A.C. 5:10-1.6(b) and (c) state that, "All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of these regulations, or that were required by the law when the building was erected, altered, or repaired, shall be maintained in good working order. The owner shall be responsible at all times for the safe maintenance of the building and its facilities as prescribed in this chapter."; and

**WHEREAS**, the Board has determined that the garage doors in the community have reached the end of their useful lives, and that many are in disrepair; and

**WHEREAS**, Article VII, Section 7.06(C) of the Master Deed states that any violation of Federal, State or municipal law, ordinance or regulation pertaining to ownership, occupancy or use of any property within the Four Oaks Neighborhood Condominium is hereby declared to be a violation of the Restrictions and subject to all of the enforcement procedures set forth in the said Restrictions; and

**WHEREAS**, Article VII, Section 7.04 of the Master Deed states that every act or omission whereby any provision of the Restrictions is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated by any Owner (at the Owner's expense) ... or the Board; and

**WHEREAS**, the failure of unit owners to maintain their garage doors creates an unsightly appearance, and when not functional creates a health hazard by allowing vermin to enter garages and then Units; and

**WHEREAS**, Article IX, Section 1(d) of the By-Laws provides that the Board of Trustees has the power to adopt, amend, and publish rules and regulations governing the use of the Common Elements and Limited Common Elements, the personal conduct of the Members, and their guests thereon; and

**WHEREAS**, Section 5.06(C) of the Master Deed provides that the Board of Trustees has the power to repair, restore and maintain in good condition the Common Elements, including without limitation, all lands, Limited Common Elements, Shared Limited Common Elements and other Condominium Property pursuant to this Master Deed, and prescribe the regulations governing the operation of the Condominium Association, as it deems proper, covering any and all of its functions, including the use and occupancy of the Condominium Property; and

**WHEREAS**, Article IX, Section 1(e) of the By-Laws provides that the Board of Trustees has the power to exercise for the Condominium Association all powers, duties, and authority vested in or delegated to the Condominium Association by the Master Deed;

**WHEARAS**, Article IX, Section 1(c) of the By-Laws provides the Board of Trustees has the power to establish, levy, assess, and collect Assessments or charges;

**WHEREAS**, Article IV, Section 4.10 of the Master Deed provides the Association with the authority to impose a special charge of not more than \$50 for each violation; and

**WHEREAS**, Article III, Section 4 of the By-Laws provides that the Board of Trustees may suspend the membership rights of persons for violating rules and regulations for a period not to exceed 30 days for any single violation; and

**WHEREAS**, the Board of Trustees distributed written notices on September 5, 2014 and February 15, 2017 informing all Unit Owners that their Unit garage doors must be replaced with the 16' by 7' Clopay Model 4053 Paneled Door, in Hunter Green, by September of 2017; and

**WHEREAS**, the Board of Trustees believes it is in the best interests of the community that the Association create rules regulating the replacement of garage doors; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following Rules and Regulations are hereby adopted:

1. All Unit Owners shall be responsible for replacing their unit's garage door **by September 30, 2017** with the 16' by 7' Clopay Model 4053 Paneled Door in Hunter Green.
2. Prior to the installation of the garage door, all Unit Owners shall submit a property modification form to Management for approval in accordance with Article VI, Section 6.03 of the Master Deed.
3. All replacement garage doors must match the Association's existing Hunter Green color, by using the model door in Paragraph 1 above.
4. Failure to abide with the entirety of this Resolution shall result in the posting of a \$50.00 fine to the Unit Owner's account, after notice to the Unit Owner and waiting the 30-day period required by Article VII, Section 7.03 of the Master Deed. The Unit Owner shall be fined \$25.00 per day until the Unit Owner complies entirely with this Resolution. So long as the fine remains unpaid, the Unit Owner shall not be considered a member in good standing and all amenities of the community shall be denied to the tenant. In accordance with the requirements of N.J.S.A. 55:13A-19, no fine shall exceed the maximum of \$5,000.00.
5. Should a Unit Owner fail to replace his/her garage door within the time period indicated in Paragraph 1 above, the Board shall have the right, but not the obligation, after notice to the Unit Owner and waiting the 30-day period required by Article VII, Section 7.03 of the Master Deed, to replace the garage door as indicated in Paragraph 1 above, and charge the Unit Owner the cost of replacement along with a reasonable service charge, and all costs associated with the same, pursuant to Article VII,

