

Prepared by: Robert D. Correale  
ROBERT D. CORREALE, ESQ.

POLICY RESOLUTION NO. 3  
BERKSHIRE RIDGE CONDOMINIUM ASSOCIATION, INC.  
RESOLUTION CONCERNING THE USE OF FIREPLACES

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WHEREAS, Article V, Section 5.1(a) of the By-Laws of the Berkshire Ridge Condominium Association, Inc. empowers the Board of Directors to do anything and everything necessary for the sound management of the condominium development; and

WHEREAS, Article V, Section 5.1 (g) makes reference to the power to secure full performance by unit owners or occupants of all items of maintenance for which they are responsible; and

WHEREAS, certain condominium units at Berkshire Ridge have installed fireplaces and chimneys for the exclusive use and enjoyment of the unit owner; and

WHEREAS, the By-Laws of the Berkshire Ridge Condominium Association, Inc. and Master Deed are silent as to the responsibility for the maintenance, repair and inspection of fireplaces and the flue systems; and

WHEREAS, it would be in the best interest of the unit owner of each unit in which a fireplace is installed, as well as the entire community, if the fireplaces and chimneys were inspected on a regular basis; and

WHEREAS, the Board of Directors has determined that in order to promote the safety and general welfare of the entire community, unit owners shall be required to have fireplaces and chimneys inspected and, if necessary, cleaned every year;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The owners of each unit in the Association that is equipped with a fireplace shall be required to have the chimney inspected by November 15, 1990 and every year thereafter by the 15th of September;

*Robert D. Correale*  
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2. Should the chimney be in need of cleaning, said cleaning shall also occur prior to November 15, 1990 and September 15th for every year thereafter and a receipt of the cleaning shall be submitted to the managing agent for the Association by that date;

3. The chimney inspection and cleaning shall be performed by a qualified inspector, approved by the Board of Directors. If it is determined that the chimney is not in need of cleaning, it shall be the responsibility of the owner of the unit to submit to the Association's managing agent a certification of the inspection stating that the chimney is not in need of cleaning. Said certificate shall also be submitted prior to November 15, 1990 and September 15th every year thereafter.

4. Enforcement of this resolution shall occur in accordance with the By-Laws of the Berkshire Ridge Condominium Association, Inc. as well as any and all other Rules and Regulations promulgated by the Board of Directors.

5. Any unit owner found in violation of this policy resolution may be assessed a fine in the amount of One Hundred Dollars (\$100.00).

This Resolution is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

Ken Walsh  
KEN WALSH, President  
Berkshire Ridge Condominium  
Association

11/7/90  
DATED:

James E. Zajdel  
JAMES E. ZAJDEL, Secretary  
Berkshire Ridge Condominium  
Association

11/7/90  
DATED:

R. R. Kron & Company  
West Ten Plaza  
410 Route 10  
Succasunna NJ  
07876

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RECEIVED

Dec 6 1 46 PM '90  
SS.

STATE OF NEW JERSEY, COUNTY OF MORRIS

I CERTIFY that on November 28, 19 90

JAMES E. ZAJDEL  
personally came before me and this person acknowledged under oath, to my satisfaction, that:

*Robert D. Correale*  
MORRIS COUNTY CLERK

- (a) this person is the secretary of **Berkshire Ridge Condominium Association, Inc.** the corporation named in the attached document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is **KEN WALSH** the President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on  
November 28, 19 90

*Robert D. Correale*

*James E. Zajdel*  
JAMES E. ZAJDEL  
(Print name of attesting witness below signature)

Robert D. Correale, Esq.  
An Attorney at Law of the  
State of New Jersey

Prepared by: *Robert D. Correale*  
N.J.S.A. 46:15-13 (Print signer's name below signature)

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