

Morris County Clerks Office, Ann F. Grossi
Administration and Records Building
P.O. Box 315
Morristown, New Jersey 07963-0315
Phone: 973-285-6130
www.morriscountyclerk.org
REF:

DATE: 7/21/2015
TIME: 1:08:22 PM
RECEIPT: 1076574

MCGOVERN LEGAL SERVICES LLC
ACCOUNT #: 0

ITEM - 01 AMND
RECD: 7/21/2015 1:10:33 PM
FILE: 2015043363 BK/PG 0 22748/150
BERKSHIRE RIDGE CONDOMINIUM ASSN INC 70.00
Recording Fees 70.00
Subtotal

TOTAL DUE	\$70.00
PAID TOTAL	\$70.00
PAID CHECK	\$70.00
Check #020134:	70.00

REC BY: MStehr
Thank You!

RECEIVED

2015 JUL 21 PM 1 13

BERKSHIRE RIDGE CONDOMINIUM ASSOCIATION, INC.
RESOLUTION NO. _____
RELATING TO INSURANCE DEDUCTIBLES

ANNA M. JOSSI
MORRIS COUNTY CLERK

WHEREAS, the Berkshire Ridge Condominium Association, Inc. (the "Association") was established and exists by a certain Master Deed recorded on November 13, 1987, in the Morris County Clerk's Office in Deed Book 2881 page 657 et seq. (hereinafter, references to the Master Deed and Bylaws refer to this document); and

WHEREAS, the Bylaws, Article IV, Section 1, provides, "The property, affairs and business of the Association shall be managed by the Board of Directors, which shall have all the powers granted to it by the Certificate of Incorporation, the Master Deed, and these By-Laws and by law"; and

WHEREAS, pursuant to the Bylaws, Article V, Section 5(f), the Board of Directors (the "Board"), on behalf of the Association, has the power to "[a]dopt, amend and publish rules and regulations covering the details of the operation and use of the common elements..."; and

WHEREAS, Master Deed, Article XVII states that the Association shall maintain property insurance; and

WHEREAS, Master Deed, Article XV, Section C states "[i]f the damage is only to those parts of the unit for which the responsibility for maintenance and repair is that of the owner, then the owner shall be responsible for re-construction and repair, but the proceeds of any insurance that may have been obtained by the Association shall be made available for such purpose"; and

WHEREAS, the Board has determined that it is in the best interest of the Association that the following rules relative to insurance be adopted and enforced;

NOW, THEREFORE, BE IT RESOLVED THAT:

I. LIABILITY FOR ASSOCIATION DEDUCTIBLE

- A. If damage is sustained to a portion of the Common Elements for which the Association is responsible to maintain, repair or replace as set forth in the governing documents, then the Association will be responsible for payment of the insurance deductible which is incurred unless such damage is the result of the action or inaction of a unit owner, his/her guest or his/her tenant.
- B. ~~If damage is sustained to a portion of the Unit for which the unit owner is responsible to~~ replace, repair or maintain, but that damage is covered by a master insurance policy maintained by the Association, then the unit owner will be responsible for payment of any insurance deductible and any sum that is not paid by the Association's insurance carrier.
- C. In the event that damage is sustained to the Common Elements and, at the same time, to a unit, as fully defined in the Association's Master Deed, then the Board shall apportion monetary responsibility for any insurance deductible according to the dollar amounts of the respective insured losses.
- D. Notwithstanding the foregoing, any expense—including any deductible—which is incurred in an effort to maintain, repair or replace any portion of the Condominium ~~which is damaged by the negligence or carelessness of any unit owner or the occupants,~~ tenants, employees, agents, or guests of the unit owner, shall be the sole responsibility of that unit owner. The determination as to carelessness or negligence will be in the sole discretion of the Board of Directors, with the assistance of its insurance carrier, legal counsel and management, which shall charge the responsible unit owner in that event.

- E. It is recommended that each owner obtain and maintain his/her/their own homeowner's insurance policy to cover, among other things, the cost of the insurance deductible.
- F. The Association's insurance carrier shall be authorized to subrogate against the insurance of any tenant(s) whose insurance may also provide coverage for a particular loss.

II. GENERAL

- A. Failure by any owner to pay any insurance deductible may result in the Association paying the same and treating the failure as a payment default, in which case the amount of the deductible shall be assessed to the unit owner's account and which amounts shall be owed and collected in the same manner as delinquent Common Expense Assessments.
- B. Notwithstanding any provision herein, the Association may exercise any and all rights and remedies available to it at law, in equity and/or pursuant to its Master Deed and By-Laws.
- C. Should any provision herein be determined to be invalid, the remaining provisions herein shall remain in full force and effect.
- D. Any provision contained within any previously adopted resolution of the Association, which conflicts with any provisions set forth herein, shall be deemed void and the provision contained herein shall govern.

BERKSHIRE RIDGE CONDOMINIUM ASSOCIATION, INC.

Resolution Type: Policy No.

Pertaining To: Insurance Deductibles

Duly adopted at a meeting of the Board of Directors of the Berkshire Ridge Condominium Association,

Inc. held this 17 day of June, 2015.

Officer

Vote:

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Charlotte Bissard</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Al Stover</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Victoria Gedmale</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Marilyn Kuntz</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Carol Rankin</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest:

Sherry Bryant
Sherry Bryant, Secretary

Berkshire Ridge Condominium Association, Inc.

Robert Kramer
Robert Kramer, President

File:

Book of Minutes:

Book of Resolutions:

Book No.

Page No.

Policy

Administrative

Special

General

Resolution Effective: _____, 2015.

NOW THEREFORE, Robert Kramer, the President of Berkshire Ridge Condominium Association, Inc., based on the authority granted by the Association's Master Deed, Bylaws, and the Board of Directors vote reflected above, hereby submits this resolution for recordation in the Morris County Clerk's Office.

Berkshire Ridge Condominium Association, Inc.

Robert Kramer
Robert Kramer, President

CORPORATE ACKNOWLEDGMENT

STATE OF NEW JERSEY)

COUNTY OF MORRIS)

ss. _____

On the 17 day of June, 2015, Robert Kramer personally appeared before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person signed and delivered the foregoing document as the President of Berkshire Ridge Condominium Association, Inc. (the "Association"); and
- (b) this document was signed and delivered by the Association as its voluntary act and deed by virtue of authority from its Board of Directors.

Signed and sworn to before me on

June 17, 2015.

Christine M. Coleman
NOTARY PUBLIC OF
NEW JERSEY
CHRISTINE M. COLEMAN
Notary Public of New Jersey
My Commission Expires December 2, 2018

RECORD AND RETURN TO:
MCGOVERN LEGAL SERVICES, LLC
P.O. Box 1111
NEW BRUNSWICK, NJ 08903-1111
(732)-246-1221