

RESOLUTION 1977-01

TWIN RIVERS HOMEOWNERS ASSOCIATION
AS TRUSTEE FOR THE TWIN RIVERS COMMUNITY TRUST

USE AND RESTRICTION OF COMMON GROUNDS

At a meeting of the Twin Rivers Homeowners Association, Trustee, duly scheduled and held on November 15, 1977, on motion duly made, seconded and unanimously carried (carried by a vote of 7 to 1, the following resolution was duly adopted:

WHEREAS, Paragraph 6 of the Twin Rivers Community Trust Indenture, dated November 13, 1969 and recorded In the Office of the Clerk of Mercer County on December 10, 1969 on Pages 12 et seq. of Book 1346 of Deeds, states in pertinent part as follows:

(t)he Trustee shall have the right, in its sole discretion consonant with the best interests of the beneficiaries, to make reasonable rules and regulations as to the conduct of the beneficiary upon the trust land ... (and) ... (T)he Trustee shall have the further right... to make and enforce reasonable rules for the use of the recreational facilities and the conduct, dress, manner and deportment of the beneficiaries including the scheduling of use and such other rules and regulations as may be necessary for the health, safety and welfare of the users thereof. This power shall be deemed to include the power to bar, limit or charge fees for the use of recreational facilities by bona fide guests of beneficiaries and to limit their number, time, use or deportment upon the facilities; and

WHEREAS, there is perceived to be a present necessity to impose certain restrictions upon the activities which may be conducted permissibly upon common lands held in trust by the Twin Rivers Community Trust under the said Trust Indenture; and

WHEREAS, the ultimate responsibility for the imposition of such restrictions rests with the Trustee under the provisions of the said Trust Indenture; and

WHEREAS, to the said end, the Trustee has appointed and constituted various committees to make recommendations with regard to permissible uses by the beneficiaries of the Trust of the said common lands; and

WHEREAS, the Trustee has concluded that the adoption and implementation of this resolution would best further and otherwise be in the interest and common good of all beneficiaries of the Trust,

NOW, THEREFORE, BE IT

RESOLVED, that, for the purposes of this resolution, the following terms shall be defined as follows:

1. "Closed area" shall be any common land, other than "semi-open" or "open" areas that front a residential building.
2. "Semi-open area" shall be any common land, other than "closed" or "open" areas, that is located within such proximity of a residential building or buildings that infants and young children can and customarily do play thereon.
3. "Open area" shall be any common land that is neither a "closed" nor "semi-open" area.

; and be it further

RESOLVED, that the following restrictions shall apply with regard to the use of the following categories of common lands:

1. "Closed area" - No Activity, such as, but not limited to, the playing of baseball or football, shall be permissible which, based upon contemporary community standards, would, under the circumstances in which it occurs, unreasonably interfere with the right to privacy and quietude of nearby resident beneficiaries.
2. "Semi-open area" - Random, unorganized activities such as but not limited to, games of "catch" and "tag", shall be permissible, provided, however, that no such activity, based upon contemporary community standards and under the circumstances in which it occurs, unreasonably interferes with the concurrent rights thereon of other beneficiaries, particularly infants and young children.
3. "Open area" - Organized activities, such as, but not limited to, baseball and football games and track and field activities, shall be permissible, provided however, that no such activity, based upon contemporary community standards and under the circumstances in which it occurs, unreasonably interferes with the concurrent rights thereon of other beneficiaries

; and be it further

RESOLVED, that, upon receipt by the Trustee of a written statement signed by a beneficiary and setting forth (a) the name(s) and address(es) of an alleged violator(s) of the foregoing restrictions and (b) the nature, date(s) and

location(s) of the alleged violation(s), the following actions in the following sequence shall be taken by the Trustee:

1. The Trustee shall promptly and in writing notify the person(s) who is (are) the subject of the complaint advising such person(s) as to (a) the nature, date(s) and location(s) of the alleged violation(s) and (b) the name of the complaining beneficiary. The Trustee shall also advise such person(s) that the complaint shall be investigated initially by the Trustee's Complaint Committee, at which time the Complaint Committee shall furnish a written copy of Its complaint procedures.
2. The Complaint Committee shall promptly submit a written report with regard to the complaint to the Trustee's Common Grounds Subcommittee.
3. In the event the Common Grounds Subcommittee concludes, based upon its evaluation and review, that the complaint lacks merit or was initiated in other than good faith, it shall notify the complaining beneficiary in writing its conclusion, after which notification the complaining beneficiary shall have no more than ten (10) days thereafter within which to furnish such additional information as he or she deems pertinent. In the event that, within this period, (a) the complaining beneficiary fails to furnish such additional Information or (b) the Common Grounds Subcommittee concludes that despite the furnishing of additional information, the complaint continues to lack merit or was initiated in other than good faith, the complaint shall be dismissed automatically with prejudice and without the necessity for further notice to the complaining beneficiary.
4. In the event the Common Grounds Subcommittee concludes, based upon its evaluation and review, that the complaint is meritorious and was brought In good faith, it shall promptly notify both parties in writing as to the date and location of a plenary session at which both parties shall have an opportunity to appear and be heard, with counsel if desired.
5. Subsequent to its plenary session, the Common Grounds Subcommittee shall promptly render a determination on the complaint. In the event that the determination is against the complaining beneficiary, it shall notify both parties in writing thereof. In the event that the determination is In favor of the complaining beneficiary, the Common Grounds Subcommittee shall promptly submit a report to the Trustee setting forth its findings and recommended penalty.
6. The Trustee, acting through its Board of Directors, may, within its sole discretion, (a) accept the findings of the Common Grounds Subcommittee In whole or in part or (b) reject the findings of the Common Grounds Subcommittee in whole or in part.
7. In the event the Trustee determines, based upon its final dispositions of the complaint, to impose a penalty, it may impose, within its sole discretion, any one or more of the following penalties:
 - (a) a letter of reprimand;
 - (b) a revocation, for such period of time as it deems appropriate, of the recreational privileges of the subject(s) of the complaint; or

- (c) a fine not to exceed Fifty Dollars (\$50.00).
8. The Trustee shall advise both parties in writing as to the nature of any penalty imposed, which notice shall be furnished within ten (10) days after the Trustee's final determination as to such penalty.

Dated: East Windsor, NJ
November 15, 1977

(Signed) Arnold M. Rosenbaum