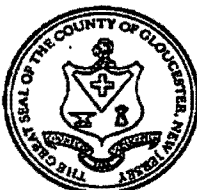


Gloucester County Recording Data Page Honorable James N. Hogan Gloucester County Clerk 	Official Use Only – Barcode *60 2018 00017952*  Docket: 00017952 Type: DOR Pages: 8 James N. Hogan, Gloucester County Clerk Receipt #: 749231 02:59:00P May 17, 2018 Recording Fee: 100.00 DB 5872 149
Official Use Only – Record & Return	Official Use Only – Realty Transfer Fee
Date of Document: 04/25/2018	Type of Document: By-Law Amendment
First Party Name: Heatherwood Homeowners Association, Inc.	Second Party Name:
Additional Parties:	

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY	
Block:	Lot:
Municipality:	
Consideration:	
Mailing Address of Grantee:	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY	
Original Book:	Original Page:

**REQUESTED
COPY**

Prepared by: _____

George C. Greatrex Jr., Esq.

**AMENDMENT TO THE BY-LAWS OF THE
HEATHERWOOD HOMEOWNERS ASSOCIATION, INC.**

THIS AMENDMENT is made this 25th day of APRIL, 2018
by the Heatherwood Homeowners Association Inc. ("the Association").

WHEREAS, THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR HEATHERWOOD was recorded in the Gloucester County Clerk's Office on September 25, 2001 in Deed Book 3316 at page 001, et. seq. Attached to that document as an exhibit is a set of original By-laws of the Association, also recorded in the Gloucester County Clerk's Office, in Deed Book 3316 at page 042 et. seq. In accordance with Article XV of said original By-laws, these By-laws may be amended and shall thereafter be recorded in the Gloucester County Clerk's Office; and

WHEREAS in accordance with N.J.S.A. 22A: 46(d)(5)(a) the Board of Trustees (hereinafter "the Board") of a homeowners association may amend its By-laws to the extent necessary to render them consistent with State, federal or local law; and

WHEREAS the Board has determined that various provisions in the Association's By-laws dealing with the election of Trustees to the Association's governing board are inconsistent with State law and must be amended to conform thereto; and

THEREFORE, the said By-laws have been duly amended by deleting pages 2, 3, 4, 4A and 4B (Article IV Sections 3 and 4, and Article V Sections 1-8) and replacing them with pages 2, 3, 4 and 4A (Article IV Sections 3 and 4, and Article V Sections 1-8) attached hereto.

In all other respects not inconsistent herewith, the provisions of the original By-laws, as amended or supplemented, are hereby ratified and affirmed.

IN WITNESS WHEREOF, the Association has caused this instrument to be executed the day and year first above written.

ATTEST:

ASSOCIATION:

**HEATHERWOOD HOMEOWNERS
ASSOCIATION, INC.**

By: _____

Name:

Title: Trustee/President

STATE OF NEW JERSEY :
SS.
COUNTY OF Gloucester:

On April 25, 2018 personally appeared William Dennis,
who is a Trustee and President of the Board of Trustees of the HEATHERWOOD
HOMEOWNERS ASSOCIATION, INC., a New Jersey non-profit corporation. I am
satisfied that this person is the person named in and who signed this Affidavit and that
this person acknowledged under oath, to my satisfaction, that he signed, sealed and
delivered the within instrument as his voluntary act and deed and as a duly authorized act
of said corporation made by a proper resolution of its Board of Trustees.



Name:

Notary Commission Expires:

ROSE MARY COLOMBO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 1/25/2023

1/25/20/23

Section 3. Proxies. Each member may vote in person, by proxy or by mail-ballot. All proxies shall be in writing in the form prescribed by the Board and filed with the Heatherwood secretary. Every proxy shall be revocable and shall automatically expire after one year.

Section 4. Method of Voting. Questions to be submitted to the members may be decided at a meeting or by ballot vote, by mail, at polling places designated by the Board. The Board, in its discretion, may also permit voting electronically. The Board shall determine, by resolution, the method of voting and give notice thereof as provided herein.

ARTICLE V **BOARD OF TRUSTEES**

Section 1. Number of Trustees. The affairs of the association shall be managed by a Board of five (5) Trustees.

Section 2. Term. The term of each Trustee shall be two-years, and each Trustee shall serve until successor Trustees shall be duly elected and qualified. The trustees elected by the Class A Members shall be divided into staggered classes, so that each year the term of one-half of such members shall expire.

Section 3. Method of Nomination. Notices seeking nominations/candidates for the board must be sent to all owners of record, not less than 30 days before the notice of the election meeting is sent.

- (A) Nominees/Candidates requesting to have their names placed on the Election Ballot, shall file "Request for Nomination/Candidate Form". This form must be received by the management office at least thirty (35) days before the annual/elections meeting.
- (B) Thereafter the Management Office shall provide all households with an election ballot containing the names listed alphabetically of all bona fide nominations/candidates with notice of annual/elections meeting.

Section 4. Method of Election. Nominee's/Candidate's names must be listed alphabetically on all ballots, proxy ballots and mail-in ballots. Election shall be by secret ballot in accordance with the procedures established by the Board of Trustees and implemented by the Elections Committee. The balloting for the Trustees shall be in accordance with the procedure established in Section 8. The owners of each Home are entitled to one (1) vote for each Home owned (Refer to Declaration of Covenants – Article V – section 2C). Cumulative voting is not permitted, more specifically, you can only vote for each candidate once, regardless of how many vacant positions exist. Those persons receiving the largest number of votes shall be

elected and their term shall commence immediately upon election. If validated petitions of candidacy are filed by members equal to or less than the number of vacancies on the Board of Trustees, the Management office will so certify, in writing, to the Board of Trustees that the candidates are elected without opposition. The Board of Trustees shall notify the Association members of the election results and that balloting will not be conducted. In an election where no candidates have filed valid requests for nomination/candidacy by the established deadline for a vacancy on the Board of Trustees, the Management Office will so certify, in writing, to the Board of Trustees, who at the annual meeting, will appoint for each vacancy, a member to the first half, (one (1) year), of the two (2) year term. In the next succeeding election, nominees/candidates will be accepted for election to the second half, (one (1) year) of the two (2) year term.

Section 5. Resignation and Removal. The unexcused absence of a Trustee from three (3) consecutive regular meetings of the Board shall be deemed a resignation. Any elected Trustee may be removed from the Board, with or without cause, by a two-thirds (2/3) majority vote of the Class A voting membership of the Association.

Section 6. Vacancies. In the event of death, resignation or removal of an elected Trustee, his/her successor shall be selected by the remaining elected Trustees. Announcement of such selection shall be made at the next Open meeting or at an earlier Special meeting of the Board held for that purpose after occurrence of any such vacancy. Refer to Article VI – Section 5, Meeting Requirements. The selected Trustee appointed to such vacancy shall serve for the unexpired term of his/her predecessor.

Section 7. Qualifications of Members of the Board of Trustees. Trustees must be members in good standing of the Association and to ensure consistency with current voting rights, more specifically, each Class A Member shall be owners and shall be entitled to one (1) vote for each Home owned, no two (2) members and/or residents of the same household may serve as a Board member at the same time (Please refer to Declaration of Covenants – Article V – Section 2C).

Section 8. Nomination Process. In preparation for a Board of Trustees' election, the following process shall be followed:

- (A) Written communication announcing a Board of Trustee' Election is to be sent to all homeowners of record by mail, personal delivery, or by electronic means, along with Request for Nomination/Candidate Form. Completed forms are required to be received by the Management Office at least thirty-five (35) days before the annual/elections meeting.

- (B) Once nominations/candidates have been received, the Management Office validates how many nominations/candidates have been received for the number of vacancies. If validated nominations/candidates are filed by members equal to or less than the number of vacancies on the Board of Trustees, the nominees/candidates are elected without opposition. The Management Office informs the Board of Trustees. The Board of Trustees sends a communication to the homeowners regarding same. If nominations/candidates received are more than the number of vacancies, an election shall be held.
- (C) The Management Office verifies that each nominee's/candidate's form is complete and that all are of good standing.
- (D) The Board of Trustees sends out a written communication to all home owners of record by mail, personal delivery, or by electronic means, announcing nominees/candidates along with voting form, a copy of the nominee's/candidates request form, and a stamped self-return envelope. Please note the following:
- Telephone numbers on the nominee's/candidate' request form need to be removed.
 - The self-return envelope needs to be coded, i.e., "BE" to differentiate from other mailings.
 - Annual/elections meeting notices must be sent to all members fourteen (14) or more days before the annual/election meeting date, but not more than sixty (60) days before the meeting date.
 - Homeowners must be notified of a return date deadline to ensure votes are received in time for the Election meeting.
 - Returned envelopes to the Management office shall be date stamped and REMAIN sealed.
- (E) The Board of Trustees shall verify the attendance of the Elections Committee members.
- (F) At the Elections meeting, the following process shall be followed:
- A representative of the Board of Trustees requests that the Elections Committee members arrive at least thirty (30) minutes early to the annual/lection meeting.
 - The Board of Trustees requests that each member of the Elections committee sign a Committee Member Confidentially Statement that reinforces the important of keeping the information secret.
 - The Management Office ensures that all mail-in ballots are brought to the Elections Meeting If a representative from the Management office is unable to attend, a member of the Board of Trustees or Elections Committee will make arrangements to pick up the ballots.

- The Elections Committee Chairperson makes themselves available to collect any ballots that are brought to the Elections Meeting.
- During the annual/elections meeting, the Elections Committee members shall complete the following:
 - Open all sealed ballots
 - Ensure that there is no more than one (1) vote per household, by matching name and address with homeowner listing.
 - Ensure there is no more than one vote per Nominee/Candidate per ballot.
 - Count the votes for each Nominee/Candidate.
 - Verify accuracy of counted votes.
 - Complete Voting Summary.
 - The Elections Chairperson announces Nominee's/Candidate's names with the highest votes received equivalent to the number of vacancies.
 - Chairperson places all related election papers in a sealed envelope and gives to Management Office.