

Prepared by: _____

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Property Known as Block 102.15, Lot 2.02 On the Township of Burlington Tax Map and Master Deed Dated January 17th, 1973 And Recorded in Deed Book 1833 At Page 1 And Following of The Burlington County Clerk's Office, As Well As, All Amendments Thereto, Also Known As 1102 Sunset Road, Burlington, New Jersey, 08016.

RESOLUTION OF BIENVENUE CONDOMINIUM FOR RULES AND REGULATIONS REGARDING CONDUCT OF UNIT OWNERS, GUESTS, AND TENANTS

WHEREAS, Bienvenue Condominium Association, Inc. (hereinafter referred to as "Bienvenue") is a non-profit corporation incorporated under the laws of the State of New Jersey which was formed to administer, manage and preserve the condominium community as Bienvenue: and

WHEREAS, pursuant to Article IV, Section 10, Par. (L) of the Bienvenue Condominium By-Laws the Bienvenue Board of Directors is empowered, "To amend the Rules and Regulations from time to time as the Board shall deem necessary and appropriate, which Rules and Regulation when approved by appropriate resolution shall be binding on the Unit Owners, tenants and occupants of Units, their successors in title and assigns."; and

WHEREAS, pursuant to Article IV, Section 10, of the Bienvenue Condominium By-Laws the Bienvenue Board of Directors is empowered, "To exercise all lawful powers and duties necessary for the proper conduct and administration of the affairs of the Association and the administration and management of the Condominium and the Condominium Property, and may do or cause to be done all such lawful acts and things as are not by law, by these By-Laws or otherwise, directed or required to be done or exercised by Members of the Association, or Unit Owners, or by others."; and

WHEREAS, this Resolution was duly introduced and was thereafter adopted in accordance with the By-laws of Bienvenue at a regular scheduled meeting of the Bienvenue Board of Directors, at which a quorum was present, by a majority vote of the Bienvenue Board of Directors present and eligible to vote on this matter.

NOW THEREFORE, effective this _____ day of _____, 2018, upon motion duly made and seconded, the Bienvenue Board of Directors resolves the following Directors Ethics Conflict policy:

1. Only the business of Bienvenue is to be discussed at the general meetings or special meetings of Bienvenue and discussion about the personal business, personal affairs and personal circumstances of any unit owner which constitutes abusive, offensive or harassing language or conduct is prohibited.

2. No abusive, offensive or harassing language or conduct is permitted by any unit owner or guest or tenant of any unit owner when communicating with a Bienvenue Board of Director, or any employee or agent, or representative of Bienvenue.

3. No abusive, offensive or harassing language or conduct is permitted by any unit owner or guest or tenant of any unit owner at the general meetings or special meetings of the Bienvenue unit owners.

4. No abusive, offensive or harassing language or conduct is permitted by any unit owner or guest or tenant of any unit owner within or upon the common elements or condominium property of Bienvenue.

5. As used in the context of these Rules and Regulations, the term "abusive, offensive or harassing language or conduct" shall include:

a. Speech or conduct which is likely to cause annoyance or harm to persons;

b. Speech or conduct which is made or caused to be made to materially disrupt the Bienvenue general meetings or special meetings;

- c. Speech or conduct which is made or caused to be made at extremely inconvenient hours;*
- d. Speech or conduct which threatens a person o striking, kicking, shoving or other offensive touching;*
- e. The striking, kicking, shoving or other offensive touching of a person;*
- f. Creation of a hazardous or physically dangerous condition which serves no legitimate purpose of the person who created the condition;*
- g. Usage of unreasonable loud or offensive coarse or abusive language with the purpose to offend the sensibilities of a hearer or in reckless disregard of the probability of so doing;*
- h. Speech or conduct used with the purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity; or*
- i. Speech or conduct which is flagrantly lewd and offensive which the actor knows or reasonably expects is likely to be observed by other nonconsenting persons who would be affronted or alarmed.*

6. Investigation. Upon receipt of a complaint alleging speech or conduct prohibited by this Resolution, the Bienvenue Board of Directors will, if appropriate and/or necessary, investigate the matters and make a determination as to whether the conduct and/or language in question was abusive, offensive or harassing.

7. Enforcement. If the Bienvenue Board of Directors deems a unit owner's or the guest or tenant of a unit owner's speech or conduct to be abusive, offensive or harassing and prohibited by this Resolution, the Bienvenue Board of Directors may take any appropriate action, including but not limited to the following:

- a. *Imposing a fine against such unit owner and/or the guest and/or tenant of such unit owner, as well as impose all attorneys' fees and costs upon such unit owner and/or the guest and/or tenant which are incurred by Bienvenue as a result of or arising from the conduct of such unit owner and/or the guest and/or tenant of such unit owner and deem all outstanding monies due Bienvenue to be collectible through judicial proceeding and/or foreclosure and/or as a lien in accordance with Bienvenue Master Deed;*
- b. *Prohibiting and/or suspending such unit owner and/or guest and/or tenant of such unit owner from using some or all of the common elements or condominium property of Bienvenue, as well as impose all attorneys' fees and costs upon such unit owner and/or the guest and/or tenant which are incurred by Bienvenue as a result of or arising from the conduct of such unit owner and/or the guest and/or tenant of such unit owner, and, otherwise prohibit and/or suspend such unit owner and/or guest and/or tenant of such unit owner from using some or all of the common elements or condominium property of Bienvenue until all monies due Bienvenue are paid in full, and, deem all outstanding monies due Bienvenue to be collected through judicial proceeding and/or foreclosure and/or as a lien in accordance with the Bienvenue Master Deed, and*
- c. *Prohibiting and/or suspending such unit owner and/or the guest and/or tenant of such unit owner from attending or participating or voting either in person or by proxy at any general meetings or special meetings of the Bienvenue unit owners, and/or prohibiting such person from serving as a member of the Board of Directors, as well as impose all attorneys' fees and costs upon such unit owner and/or the guest and/or tenant which are incurred by Bienvenue as a result of or arising from the conduct of such unit owner and/or the guest and/or tenant of such unit owner, and deem all outstanding monies due Bienvenue to be collectible through judicial proceeding and/or foreclosure and/or as a lien in accordance with the Bienvenue Master Deed; and*

d. *Seeking judicial relief against such unit owner and/or the guest and/or tenant of such unit owner, including but not limited to, imposing or collecting any fine, barring such person from attending general meetings or special meetings of the Bienvenue unit owners, restraining such person from having personal contact with certain Board of Directors, employees or agents of Bienvenue and obtaining reimbursement for all attorneys' fees and costs incurred by Bienvenue as a result of such person's abusive, offensive or harassing speech or conduct, and, deem all outstanding monies due Bienvenue to be collectible through judicial proceeding and/or foreclosure and/or as a lien in accordance with the Bienvenue Master Deed.*

As used herein the word "fine" shall be interpreted to mean an assessment obligation. Such an assessment obligation is used to offset and defray costs and expenses incurred as a result of enforcement activity taken by Bienvenue Board of Directors deemed necessary to promote recreation, health, safety and welfare of the owners and occupants of living units with respect to said living units and the common elements or condominium property of Bienvenue. The imposition of a "fine" is not an intent to limit rights, remedies, claims or damages of the Bienvenue, including but not limited to the imposition of attorneys' fees and costs.

8. **Trespass.** *If a unit owner attempts to materially disrupt a general meeting or a special meeting of the Bienvenue unit owners, or, otherwise engages in abusive, offensive or harassing language or conduct upon the Bienvenue common elements or condominium property nothing in these Rules and Regulations will prohibit Bienvenue from instructing such unit owner, or, any guest or tenant of a unit owner to cease such conduct, and, in the event such conduct does not cease, instructing such unit owner, or, any guest or tenant of a unit owner to vacate the Bienvenue common elements or condominium property, or, otherwise contacting the Burlington Police Department to have such unit owner, or, any guest or tenant of a unit owner, arrested for trespassing or otherwise violating any New Jersey statute or municipal ordinance.*

9. **Hearing.** *Excluding exigent circumstances, before imposing and sanctions, notice of the violation and proposed penalty will be sent to the offending unit*

owner, or, if reasonably possible, and guest or tenant of such unit owner, setting forth the time, date, place and nature of the violation, and the amount of the proposed fine which shall not exceed \$500.00 per incident or occurrence. If the offending unit owner, or, any guest or tenant of such Unit owner, does not respond or request (ADR) Alternative Dispute Resolution, the sanctions will be automatically imposed along with all attorneys' fees and costs incurred by Bienvenue relative to such person's conduct, including all enforcement action, including but not limited to the collection of fines and attorneys' fees and costs incurred by Bienvenue.

10. Guests and Tenants to Comply With This Resolution. All unit owners must insure that their guests and tenants comply with the Bienvenue Master Deed, By-Laws, Rules and Regulations, including this Resolution. All guests and tenant(s) of unit owners shall be subject to the enforcement provisions of this Resolution. Unit owners will be jointly and severally liable and responsible to pay for all fines, attorneys' fees and costs incurred by Bienvenue arising from violations of this Resolution by their guests and tenants.

NOTICE AND RECORDING. Bienvenue is authorized and directed to circulate a copy of this Resolution to all Bienvenue unit owners. Bienvenue also authorizes and directs its property manager to arrange for recordation of a copy of this Resolution with the Burlington County Clerk's Office in order to establish the recording of this Resolution in the chain of title.

ATTEST:

Bienvenue Condominium Association, Inc.

Virginia Carducci, Secretary

Carmelo Cruz, President

State of New Jersey :

:ss.

County of Burlington :

I certify that on this _____ day of _____, 2018, _____ personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) *this person is the Secretary of Bienvenue Condominium Association, Inc. named in this document;*
- (b) *this person signed this document as attesting witness for the proper officer who is Carmelo Cruz, President of Bienvenue Condominium Association, Inc.;*
- (c) *this document was signed and delivered by Bienvenue Condominium Association, Inc. as its voluntary act and deed by virtue of authority from its Board of Trustees (the "Board");*
- (d) *this person signed this acknowledgment to attest to the truth of these facts; and*
- (e) *this Resolution was duly introduced and was thereafter adopted at a regular scheduled meeting of the Board at which a quorum was present, by a majority vote of the members of the Board eligible to vote on this matter.*

Virginia Carducci, Secretary

Sworn and subscribed to before

Me this _____ day of _____, 2018

(notary public seal)

Record and Return to:
*Augustine D. Altieri, CPA
Bienvenue Property Manager & Accountant
1 Mulhouse Drive
West Berlin, New Jersey 08091
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