

**LONGVIEW AT MONTVILLE ASSOCIATION, INC.**  
**(the "Association")**

**RESOLUTION**

**PROCEDURES REGARDING LATE PAYMENTS**

**P R E A M B L E**

A. The Master Deed for Longview at Montville as thereafter amended, was originally recorded in the Office of the Morris County Clerk on June 2, 1989 in Deed Book 3137, Page 0029. et seq. (collectively, the "Master Deed").

B. The By-Laws of the Longview at Montville Association, Inc. (the "By-Laws") were recorded as Exhibit E to the Master Deed.

C. Pursuant to Section 18 of the Master Deed, and Article IV of the By-Laws, each Unit Owner, as a member of the Association, is subject to all provisions of the Master Deed, the By-Laws, the Rules and Regulations of the Association, and the Articles of Incorporation of the Association (collectively, the "Governing Documents"), as well as to the New Jersey Condominium Act.

D. Pursuant to Article VI, Section 6 of the By-Laws, the Board of Trustees of the Association (the "Board") is empowered to adopt rules and regulations and take such other action as may be necessary and proper to enforce the terms and conditions of the Governing Documents, including, but not limited to, the collection of common expense assessments.

E. For the benefit and protection of the Association and the individual Unit Owners, the Board deems it necessary and desirable to enact the supplementary procedures set forth within this Resolution regarding the collection of assessments and other charges.

F. This Resolution was duly introduced and 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 present and eligible to vote on this matter.

**NOW, THEREFORE, BE IT RESOLVED** on this 11<sup>th</sup> day of October, 2010, that the Board hereby establishes and adopts the following procedures to be applied in connection with the collection of common expense assessments and other charges.

1. In the event any term or provision of this Resolution contradicts the terms and provisions of the Master Deed or By-Laws (collectively, the "Governing Documents"), the terms and provisions of the Governing Documents will control. This Resolution will, however, be construed to afford the greatest amount of power, authority, latitude, and discretion to the Board, provided this Resolution does not violate the Governing Documents or applicable laws. Except as expressly stated otherwise, the terms, words, and phrases used in this Resolution have the same meaning as set forth in the Governing Documents.

  
MORRIS COUNTY, NJ; JOAN BRAMHALL, COUNTY CLERK  
RESO-DR BOOK 21681 PG 0473 RECORDED 12/03/2010 11:03:56  
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MARGINAL NOTATION CD 0.00 ST 0.00  
RCPT #: 585452; RECD BY: Jessica

2. In connection with the enforcement of the Governing Documents, the Board hereby adopts the following procedures and policies in connection with the payment of any and all common expense assessments, special assessments, fees, late fees, counsel fees, filing fees, charges, and any other payments due or coming due in advance from any Unit Owner to the Association (collectively "outstanding charge(s)"):

A. **Payment Due Date, Late Charges.** In accordance with the Governing Documents, the annual common expense assessment commences on the date fixed by the Board and is payable in monthly installments due in advance on, the first day of each month.

Pursuant to Article IV, Section 9 of the Master Deed, if any Unit Owner pays an outstanding charge and it is received by the Association (or its designated manager or representative) no later than ten (10) days after the date upon which it is due, there will be no late payment fee due or owing. If an outstanding charge, or any portion thereof, is not received by the Association by the tenth day after its due date, the Association will assess the Unit Owner a late payment fee in the amount of 10% of the entire outstanding assessment, including fines. This provision is unenforceable. Therefore, the Association shall charge interest in the amount of 1.5% per month on continuing balances. The remaining sections of Master Deed, Article IV, Section 9, which do not relate to the late fees charges are valid. In the absence of a specific directive by the Owner to apply a late payment in a certain manner, all late payments that the Association receives shall be applied in the following order: first, to any outstanding fines, then to late fees, special assessments, outstanding regular maintenance assessments, and finally, to any regular maintenance assessments that are currently due at the time of that payment. Thus, if any partial payment is remitted to the Association, it shall be applied to the Owner's outstanding fines, fees and assessments in this order.

The Association is not required to send monthly statements or reminders of past due accounts or default regarding monthly common expense installments or any other outstanding charges.

B. **Late Payment Notice.** The Board may file a lien against the Unit of a delinquent Unit Owner if the Unit Owner fails to pay an outstanding charge. Accordingly, the Association's agent responsible for the collection of common expense installments and other outstanding charges (the "manager") is directed, without further correspondence, to automatically send a late payment notice (the "Late Payment Notice") no later than 30 days after the common expense installment due date and to state in the Late Payment Notice that the Association may file a lien if all outstanding charges are not paid in full on or before the fifth day after the Late Payment Notice is personally delivered, or on or before the fifth day after the Late Payment Notice is mailed. (Mailings under this paragraph B will be sent regular mail with postage prepaid.)

C. **Lien Filing.** If a Unit Owner fails to pay all outstanding accelerated assessments and other outstanding charges on or before the 90th day after the common expense assessment was initially due, (which shall be by registered or certified mail), the Association's attorney is authorized and directed (upon advice from the Board or its manager) to file a lien with the Morris County Clerk and the Unit Owner will be liable for any attorney's fee for the lien preparation and, in addition, will

be responsible for any lien recording fees. The fees and costs provided for in this paragraph will be in addition to any other fees, costs, and expense imposed in connection with the collection of outstanding charges.

D. **Collecting Lawsuit.** If a Unit Owner fails to pay all outstanding charges within 120 days of its due date, then the Board authorizes and directs the Association's attorney, upon written advice from the Board or manager, to institute a collection lawsuit and/or foreclosure to collect all outstanding charges.

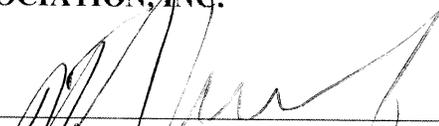
**NOTICE AND RECORDING**

1. This resolution will be effective as of NOVEMBER 1ST, 2010. The Association's managing agent is authorized and directed to prepare correspondence, in appropriate form and substance, and thereafter circulate same, along with a copy of this resolution, to all Unit Owners. A copy of these rates and regulations shall be provided to all Unit Owners and shall be included or summarized in any new owner informational booklets or similar printed material.

2. The Morris County Clerk is also authorized, requested, and directed to note, in the margin (and/or such other appropriate place) on the Master Deed reference to this Resolution (and to any other amendment or resolution which has been adopted in accordance with the terms of the Governing Documents).

  
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ALLAN MARKUS, Secretary  
TRUSTEE

**LONGVIEW AT MONTVILLE  
ASSOCIATION, INC.**

By:   
\_\_\_\_\_  
ROB SIGNORILE, President

**LONGVIEW AT MONTVILLE ASSOCIATION, INC.**

Resolution Type: Policy No. \_\_\_\_\_

Pertaining To: Procedures Regarding Late Payments

Duly adopted at a meeting of the Board of Trustees of Longview at Montville Association, Inc. held this 11<sup>th</sup> day of OCT., 2010.

Officer

Vote:

YES NO ABSTAIN ABSENT

Robert Signorile, President

Suresh Raina, Vice President

Ted Hochman, Secretary

Miklos Kinda, Treasurer

Arnold Kamler, Trustee

Allan Markus, Trustee

Attest:



Ted Hochman, Secretary

**ALLAN MARKUS, TRUSTEE**

Date

11/1/10

File:

Book of Minutes -

Book of Resolutions:

Book No.

Page No.

Policy

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Administrative

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Special

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General

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Resolution Effective: NOV. 1ST, 2010.

Resolution Expires: \_\_\_\_\_, \_\_\_\_\_.

