

**THE GREENBRIAR ASSOCIATION, INC.
AMENDMENT TO THE BY-LAWS**

This Amendment to the By-Laws of The Greenbriar Association, Inc. (the "Association") made this _____ day of _____, 202__ by the Association, a non-profit Corporation of New Jersey located in Brick Township, New Jersey, by and through its Board of Trustees (the "Board"), having a principal address of One Darley Circle, Brick, NJ 08724; and

WHEREAS, the Association was created by, among other things, the Declaration of Covenants and Restrictions of Greenbriar Association, Inc. as may be amended from time to time (collectively the "Declaration"), and the By-Laws of Greenbriar Association, Inc. (collectively the "By-Laws"), as may be amended from time to time, which were recorded in the office of the **Ocean County Clerk on October 12, 1976, in Book 3561, Page 262**; and

WHEREAS, the By-Laws, Article III, Section 9 provides that "[t]he affairs of the Association shall be governed by the Board of Trustees except as otherwise provided in the Declaration of Covenants and Restrictions, Certificate of Incorporation, or in other Articles of these By-Laws"; and

WHEREAS, the By-Laws, Article V, Section 1 provides that "[t]he 'Architectural Control Committee' is hereby established to be composed of three (3) members, said members to be appointed by the Board of Trustees"; and

WHEREAS, the Board of Trustees has identified that, given the duties of the Architectural Control Committee, it is prudent and in the Association's best interests to raise the number of members on the Committee to three (3) or more members; and

WHEREAS, P.L. 2017, Ch. 106, often referred to as the Radburn Bill, a supplement to the Planned Real Estate Development Full Disclosure Act, passed on July 13, 2017, provides that, "[a]n executive board shall not amend the bylaws of an association without a vote of the association members open to all association members, as provided in the association's bylaws... except an executive board may amend the bylaws under the following circumstances:... (b) after providing notice to all association members of the proposed amendment, which notice shall include a ballot to reject the proposed amendment. Other than an amendment to render the bylaws consistent with State, federal or local law, if at least 10 percent of association members vote to reject the amendment within 30 days of its mailing, the amendment shall be deemed defeated"; and

WHEREAS, the Board of Trustees convened for a meeting on _____, 202__, and a quorum being present, a majority of the Trustees present voted to amend the Association's By-Laws; and

WHEREAS, the Board of Trustees proposed this amendment to the membership pursuant to N.J.S.A. 45:22A-46(d)(5) via a mailing sent on _____, 202__; and

WHEREAS, after waiting the required thirty (30) days, less than ten (10%) percent of the membership rejected this proposed amendment; and

NOW, THEREFORE, the following provisions are hereby adopted:

1. **The By-Laws, Article V, Section 1 is hereby amended to add the following bold and underlined language:**

The "Architectural Control Committee" is hereby established to be composed of three **or more** members, said members to be appointed by the Board of Trustees.

2. In the event any provision of this Amendment is deemed unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
3. All provisions of the By-Laws not amended by this Amendment shall remain unchanged and in full force and effect.
4. Notwithstanding the full execution of this Amendment, this Amendment shall not take effect until this Amendment is recorded in the Ocean County Clerk's Office.