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**OF THE CERTIFICATE OF INCORPORATION**

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**101084MJFI**

CERTIFICATE OF INCORPORATION OF MONTGOMERY WOODS  
HOMEOWNER'S ASSOCIATION, INC.

The undersigned, being over the age of eighteen years, in order to form a corporation pursuant to the provisions of the New Jersey Nonprofit Corporation Act, does hereby certify:

**ARTICLE I NAME.** The name of the corporation is **MONTGOMERY WOODS HOMEOWNER'S ASSOCIATION, INC.**; but, for brevity, it is hereafter in this Certificate referred to as the Association.

**ARTICLE II PURPOSES AND POWERS.** The purposes for which this Association is formed are:

To promote the health, safety and welfare of and to provide for the efficient preservation of the values and amenities for the owners of Lots or Townhouses in, and residents of, certain property in the Township of Montgomery in the County of Somerset in the State of New Jersey, known as MONTGOMERY WOODS, and described in the Montgomery Woods Homeowners Declaration of Covenants, Conditions and Restrictions (hereinafter called "Declaration") about to be recorded in the Somerset County clerk's office, Somerville, New Jersey, (which property is hereinafter referred to as the "Property" or as "Montgomery Woods") and, for this purpose, to:

- A. Acquire, own, build, improve, operate, insure, repair, restore and maintain land, buildings, sewer systems, structures, fixtures, recreational facilities, equipment, personal property, and the Common Property and Common Elements as defined in the Declaration.

- B. Provide maintenance and repair service for the Common Property and, subject to the Declaration, for the Lots or Townhouses within the Property;
- C. Provide garbage and trash collection service for the Lots or Townhouses within the Property;
- D. Provide fire and security services either independent of or in cooperation with municipal, county and State agencies, or volunteer fire companies;
- E. Maintain, repair, prune, trim, plant or remove trees, shrubs, brush, undergrowth, leaves from the Common Property and Common Elements.
- F. Supplement municipal services;
- G. Fix and collect assessments or charges (if any) to be levied against the lots and townhouses and admission fees, if any, for the use of the Common Property;
- H. Enforce any and all covenants, conditions, restrictions and agreements applicable to the Property;
  - 1. Pay taxes and assessments on the Common Property;
  - 3. To insure the building structures of each Townhouse located within the Property, naming as loss payee, the Association , the Owner and the mortgagee of the Owner, if any, as their interests appear.
- K. Do any other thing permitted by law or the Declaration which will promote the common benefit, safety, welfare and enjoyment of the residents of the Property or will tend to preserve or enhance the value of the Property.

**ARTICLE III. MEMBERSHIP.** The Association shall have members, the qualifications for which, shall be as set forth In the By-Laws of the Association.

**ARTICLE IV. METHOD OF ELECTING TRUSTEES.** The method of electing Trustees shall be as set forth in the By-Laws of the Association.

**ARTICLE V. REGISTERED OFFICE AND AGENT.** The address of the initial registered office of the Association is 100 Craig Road Freehold, New Jersey 07728, and the name of the initial registered agent of the Association at such address is Calton Homes, Inc. .

**ARTICLE VI, INDEMNIFICATION.** The Association shall indemnify every corporate agent as defined in, and to the full extent permitted by Section L5A:3-4 of the New Jersey Nonprofit Corporation Act, and to the full extent otherwise permitted by law.

**ARTICLE VII. TRUSTEES** The number of Trustees constituting the first Board is five (5) and the names and addresses, of which is either the residence address or other address where the person regularly receives mail and which is not the address of the Association, of the persons who are to serve as such Trustees are to be supplied.

NAME

ADDRESS

The first Board of Trustees shall serve for a term of one (1) year or until their successors are elected and qualified.

- |                       |  |
|-----------------------|--|
| 1) Alice M. Simpson   | 100 Craig Road<br>Freehold, New Jersey 07728   |
| 2) Daniel M. Murphy   | 100 Craig Road<br>Freehold, New Jersey 07728   |
| 3) Arthur 3. Galley   | 100 Craig Road<br>Freehold, New Jersey 07728   |
| 4) Gerald R. O'Keeffe | 100 Craig Road<br>Freehold, New Jersey 07728   |
| 5) Michael 3. Gordon  | 100 Craig Road .<br>Freehold, New Jersey 07728 |

On or before the expiration of the term of each trustee, his successor shall be elected for a term of one year.

**ARTICLE VIII. INCORPORATOR.** The name and address of the incorporator is Michael D. Masanoff, Esquire, 2-4 Chambers Street, Princeton, New Jersey, 08540.

**ARTICLE IX. DURATION.** The corporate existence of the Association shall be unlimited.

**ARTICLE X. DISPOSITION OF CORPORATE ASSETS UPON DISSOLUTION.** Upon dissolution of the Association, the assets of the Association, including any improvements and facilities shall be transferred, conveyed or paid to one or more nonprofit organizations.

**ARTICLE XI. EFFECTIVE DATE.** The effective date of this Certificate of Incorporation is to be the date of filing in the office of the Secretary of State.

**ARTICLE XII AMENDMENT.** This Certificate may be amended in accordance with law, provided that there is compliance with the voting, quorum and notice requirements specified in the by-Laws of the Association and in the Declaration.

IN WITNESS WHEREOF, the undersigned, the sole incorporator of the above named corporation has hereunto signed the Certificate of Incorporation on the \_\_\_\_\_ day of \_\_\_\_\_ 1984.

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**MICHAEL D. MASANOFF, ESQUIRE  
INCORPORATOR**

STATE OF NEW JERSEY

(COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 1984 before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared, \_\_\_\_\_, who, I am satisfied is the person named in and executed the within Instrument, and thereupon he acknowledge that he signed, sealed and delivered the same as his act and deed, for the uses and purposes therein expressed.

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A Notary Public of New Jersey

## **BASIS FOR ASSESSMENTS**

Article IV, Section of the Declaration of Covenants and Restrictions for Montgomery Woods establishes the obligation of each Lot Owner to pay an equal share of the General Common Expenses. The Article sets forth the purpose of the Assessment, and empower the Board of Directors to set. the annual assessment each year. The assessment obligation is a legal obligation of the Lot Owner, and provisions are made for enforcing this obligation should the Owner not remain current.