

THE

S

O

U

T

H

AMENDED

BY LAWS

HOLIDAY CITY SOUTH CORPORATION
139 SANTIAGO DRIVE
TOMS RIVER, NEW JERSEY 08757
732-341-8900

Amend By-Laws recorded
10/20/23, Instr
#2023079083, BK 19516,
PG 1067

Revised October 27, 2023
Recorded By DV

SECTION 1

The above-named Corporation came into being on January 26, 1984, when the Executive V.P. of Hovsons, Inc. signed the Incorporation's Certificate of Entity (filed it with the Secretary of the State of New Jersey) formed for "the health, benefit and welfare of the Homeowners of Holiday City South Homeowners Corporation."

On March 13, 1984, a Declaration of Covenants and Restrictions, regulating the not-for-profit Community to "provide for and assure the preservation of values" therein, was unanimously approved by the TRUSTEES.

SECTION 2

The original By-Laws were approved by the unanimous vote of the TRUSTEES on March 14, 1984.

Previous to the present revision (see Article 1, Section 3B) which has been placed before the TRUSTEES and OWNERS/MEMBERS and was approved; the TRUSTEES and OWNERS/MEMBERS had approved three (3) amendments which went into effect as of June 13, 2001; they are:

1. Changing the minimum age for one OWNER/RESIDENT from 52 to 55, to comply with Federal Law for a senior community.
2. The abandonment of the community sprinkler system.
3. Reduction of voting requirement to amend the BY-LAWS and COVENTS and RESTRICTIONS.

SECTION 3

Previous to the present revision (see Article 1, Section 3B) which has been placed before the TRUSTEES and OWNERS/MEMBERS and was approved; the TRUSTEES and OWNERS/MEMBERS has approved one (1) amendment which went into effect as of November 1, 2013; it is:

1. All living units cannot be rented for a period of one (1) year from the date of purchase.

Previous to the present revision (see Article 1, Section 2E & Article III, Section 4) which has been placed before the TRUSTEES and OWNERS/MEMBERS and was approved; the TRUSTEES and OWNERS/MEMBERS had approved two (2) amendments which went into effect as of **June 26, 2019**; they are:

Changes to Article I, Section 2, Letter E of the By-Laws: The section currently reads:

“LIVING UNIT shall mean and refer to all or any portion of a building situated upon THE PROPERTIES designated and intended for use and occupancy as a residence.”

The adoption/addition to this section of the By-Laws was duly introduced and adopted at a regularly scheduled meeting of the Holiday City South Board of Trustees on February 28, 2018. With a quorum present a unanimous vote was taken to present this matter to the membership for approval. The amendment to the existing By-law was approved by the membership on June 26, 2019 at a general election and will now read as follows:

“LIVING UNIT shall mean and refer to all or any portion of a building situated upon THE PROPERTIES designated and intended for use and occupancy as a residence only. Use of residential homes for any other purpose (i.e. business, religious house of worship) is strictly prohibited and will be subject to fines and/or legal action.”

Changes to Article III, Section 4 of the By-Laws:

The adoption/addition to this section of the By-Laws was duly introduced and adopted at a regularly scheduled meeting of the Holiday City South Board of Trustees on October 3, 2018. With a quorum present a unanimous vote was taken to present this matter to the membership for approval. The amendment to the existing By-law was approved by the membership on **June 26, 2019** at a general election and will now read as follows:

Executive Meetings of the Board of Trustees will now be held monthly on the second Thursday of the month prior to the (10) Homeowner’s Meeting of the Holiday City South Homeowner’s Corporation. In those (2) months where there is no Homeowners Meeting, the Executive Meetings of the Board of Trustees will still be held on the second Thursday of those months. The Board of Trustees will conduct a 4-hour closed workshop on the first week of each month followed by a session open to the Membership (Open Meeting) to discuss business matters and exchange ideas. Without scheduling or unless called for by the President of the Board of Trustees, Executive Meetings are held on any given day, with a proper quorum present, to conduct regular business. This will permit the Board of Trustees to be more productive and transparent with matters concerning the membership. With the advent of electronic communication and the addition of open meetings, the membership will have more and better communication with the Board of Trustees.

**RESOLUTION TO ADD THE FOLLOWING ITEM AS PART C TO ARTICLE 1,
SECTION 3 OF THE BYLAWS THAT DEFINE THE OCCUPANTS OF EACH HOME**

A Resolution was duly introduced and was thereafter adopted by the Holiday City Board of Trustees at a regularly scheduled meeting on the Holiday City Board of Trustees, at which a quorum was present, a unanimous vote of approval was taken to add the following information as Article 1, Section 3 (C) of the bylaws is now presented to the membership for approval.

Section 3 C – the Code rule for the occupant number(s) allowed in each home in Holiday City South, which consists of 2-bedroom homes will be determined by square footage in the home. It has been determined that a fair ration is one (1) person for 350 square feet of living space in the home. On average that will permit 3 to 4 people per home. As the homes in our community are generally built for couples. Allowances are made for adult children (over the age of 19) that are still living in the home. (This is covered under our governing documents). Any exceptions are to be presented to the Code Committee for approval and, if necessary, the Board of Trustees.

BY-LAWS OF HOLIDAY CITY SOUTH HOMEOWNERS CORPORATION

ARTICLE I
DEFINITIONS

SECTION 1

APPLICABILITY

These By-Laws shall be applicable to all OWNERS, MEMBERS AND RESIDENTS.

SECTION 2

DEFINITIONS

The following words when used in these By-Laws shall have meaning as follows:

- a) **CORPORATION** shall mean and refer to all the lands described in Article II of the DECLARATION, a not-for-profit Corporation.
- b) **THE PROPERTIES** shall mean and refer to all the lands described in Article II of the DECLARATION, and any additions thereto, which are subject to the DECLARATION or any SUPPLEMENTARY DECLARATION under the provision of Article II, Section 2 of the DECLARATION.
- c) **COMMON PROPERTIES** shall mean and refer to those areas of land devoted to the common use and enjoyment of the OWNERS/MEMBERS and designated as "GREEN AREA" on any filed subdivision map of the PROPERTIES as herein defined.
- d) **LOT** shall mean and refer to any plot of land shown on any filed subdivision map of THE PROPERTIES except for COMMON PROPERTIES as herein defined.
- e) **LIVING UNIT** shall mean and refer to all or any portion of a building situated upon THE PROPERTIES designated and intended for use and occupancy as a residence only. Use of residential homes for any other purpose (i.e. business, religious house of worship) is strictly prohibited and will be subject to fines and/or legal action.
- f) **OWNER/OWNERSHIP** shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any LOT or LIVING UNIT, but notwithstanding any applicable theory of mortgage or liens, shall not refer to a mortgage or lien holder of any LIVING UNIT within a single-family structure.
- g) **BOARD** shall mean and refer to the Board of Trustees of the Corporation.
- h) **RESIDENT/OCCUPANT** shall mean and refer to any person or persons who is/are authorized to reside in the living unit without regard to ownership. (See Section 3, Paragraph A).
- i) **MEMBERS** shall mean every person or persons who is an OWNER of a LOT, or a fee interest in a LOT, which is subject by the DECLARATION to assessment by the CORPORATION, shall be a MEMBER OF THE CORPORATION, provided, however, that any such person or entity who holds such interest merely as security for the performance of an obligation shall not be a MEMBER. Such OWNER or OWNERS, covenant and agree by virtue of the acceptance of a Deed, to automatically become a MEMBER in said CORPORATION. A MEMBER is equivalent to a HOMEOWNER.
- j) **GOOD STANDING** shall mean all dues, assessments, fines and penalties shall be current and no outstanding violations of the Covenants, Restrictions or By-Laws exist.

- k) **DECLARATION** shall mean and refer to the "Declaration of Covenants & Restriction of Holiday City South", and any amendments or supplementary declarations thereto as may be added.
- l) **MAJORITY VOTE** – except as otherwise provided herein, a majority vote of a quorum shall be determinative of the subject matter of the vote.

SECTION 3

OCCUPANCY OF UNIT

- A) Occupancy/ownership of any unit by any person or persons shall be deemed to mean said person or persons has consented to and agrees to be bound by these BY-LAWS and DECLARATIONS and such other rules and regulations as may be promulgated by the BOARD OF TRUSTEES from time-to-time.
Permanent occupancy requires at least one OWNER/OCCUPANY must be at least fifty-five (55) years of age. Persons under nineteen (19) years of age are banned from permanent occupancy. Any Owner must state in a lease or rental agreement that the "lease/renter must abide by BY-LAWS, DECLARATIONS, rules and regulations of the Association".
- B) All living units (as defined in Article 1, Section 2c of our BY-LAWS, (the "Pink Book")) cannot be rented for a period of one (1) year from the date of purchase.
- C) **RESOLUTION TO ADD THE FOLLOWING ITEM AS PART C TO ARTICLE 1, SECTION 3 OF THE BYLAWS THAT DEFINE THE OCCUPANTS OF EACH HOME**

A Resolution was duly introduced and was thereafter adopted by the Holiday City Board of Trustees at a regularly scheduled meeting on the Holiday City Board of Trustees, at which a quorum was present, a unanimous vote of approval was taken to add the following information as Article 1, Section 3 (C) of the bylaws is now presented to the membership for approval.

Section 3 C – the Code rule for the occupant number(s) allowed in each home in Holiday City South, which consists of 2-bedroom homes will be determined by square footage in the home. It has been determined that a fair ration is one (1) person for 350 square feet of living space in the home. On average that will permit 3 to 4 people per home. As the homes in our community are generally built for couples. Allowances are made for adult children (over the age of 19) that are still living in the home. (This is covered under our governing documents). Any exceptions are to be presented to the Code Committee for approval and, if necessary, the Board of Trustees.

ARTICLE II
VOTING RIGHTS

SECTION 1

OWNER'S INTEREST

Each OWNER or OWNERS interest in the CORPORATION shall be conveyed automatically by the delivery of a Deed to any person or persons. The conveyance of such a Deed shall automatically pass the title of the OWNER'S share in the CORPORATION to the Purchaser.

SECTION 2

VOTING RIGHTS

MEMBERS shall be those persons defined as set forth in Article I, Section 2 (I). The OWNER/MEMBER shall have the right to one (1) vote per household. If more than one (1) person owns a LOT, each person shall have that portion of one (1) vote proportionate to his or her ownership in the LOT.

SECTION 3

CASTING VOTES

Votes must be cast in person, by mail, or by authorized absentee ballot (approved by the Board of Trustees) by the OWNER/MEMBER at the principal office or such other place as may be designated by the BOARD OF TRUSTEES. No ballot shall be valid if OWNER/MEMBER is not in GOOD STANDING thirty (30) days prior to the date of the scheduled vote.

SECTION 4

NOTICE OF MEETINGS

Note of all MEMBERSHIP meetings shall be given by the Recording Secretary in a method deemed reasonable by the BOARD. Such notice shall set forth the purpose(s) of the meeting and shall be given not less than five (5) days before the date of such meeting. Such notice will be posted in the clubhouse.

SECTION 5

LIST OF MEMBERS

The Recording Secretary of the CORPORATION shall keep a complete list of MEMBERS of the CORPORATION, together with their last known addresses. The list is updated monthly and shall be open for inspection by any OWNER/MEMBER during business hours.

SECTION 6

SPECIAL MEETINGS

The President of the CORPORATION, if directed by the BOARD, shall call a Special Meeting. Notice of a Special Meeting shall be made no later than five (5) days before said meeting. The notice of the Special Meeting must state the agenda and no other business shall be discussed or voted upon.

ARTICLE III
BOARD OF TRUSTEES

SECTION 1

REGULATION OF THE BOARD

As provided in the Certificate of Incorporation of Holiday City South Homeowners Corporation, the duties, selection of and term of the BOARD shall be regulated by these By-

Laws and the DECLARATION. The members of the association shall elect 7 members to the Board of Trustees to staged 3-year terms.

SECTION 2

A. ELIGIBILITY

1. Trustee candidates must be HOMEOWNERS "in good standing" and must have resided in HOLIDAY CITY SOUTH for at least nine (9) months prior to the date of the election.
2. Only one (1) person from any living unit is eligible to be on the BOARD OF TRUSTEES at any given time.

B. ELECTION OF TRUSTEES

1. Election of TRUSTEES will be held the Wednesday after the JUNE homeowners meeting each year.
2. In the event a TRUSTEE does not complete the full three (3) year term, the remaining TRUSTEES will appoint an association member to the board until the next scheduled election when that TRUSTEE position will be available for election for the remainder of the unexpired term.
3. A TRUSTEE shall not hold office in any CLUB/ACTIVITY of the corporation.
4. A spouse/significant other of a Trustee shall not hold office in any approved CLUB/ACTIVITY while the TRUSTEE holds office.
5. Both a TRUSTEE and/or spouse/significant other may participate in club activities.

SECTION 3

REMOVAL OF TRUSTEE

A Trustee may be removed with cause, misfeasance or non-feasance of office, by the vote of the majority of the entire Board of Trustees. A Trustee who is subject to removal shall be allowed an opportunity to be heard, to present a defense, and that the proceeding occur in a public forum, if he/she so chooses.

SECTION 4

TRUSTEE MEETINGS

Executive Meetings of the Board of Trustees will now be held monthly on the second Thursday of the month prior to the (10) Homeowner's Meeting of the Holiday City South Homeowner's Corporation. In those (2) months where there is no Homeowners Meeting, the Executive Meetings of the Board of Trustees will still be held on the second Thursday of those months. The Board of Trustees will conduct a 4-hour closed workshop on the first week of each month followed by a session open to the Membership (Open Meeting) to discuss business matters and exchange ideas. Without scheduling or unless called for by the President of the Board of Trustees, Executive Meetings are held on any given day, with a proper quorum present, to conduct regular business. All elected Trustees must be given proper notice for all meetings or emergency meetings. Should a vote be required, notification to all Trustees should be attempted.

ARTICLE IV
AFFAIRS OF THE HOMEOWNERS CORPORATION

The affairs of the CORPORATION shall be governed by the BOARD as provided in the DECLARATION, Certificate of Incorporation, and/or in these By-Laws. The powers of the BOARD OF TRUSTEES shall include, but not limited to:

- A) Maintain, care for, repair, reconstruct and protect the COMMON PROPERTIES and facilities. Additionally, render such other services for the health, benefit and welfare of the MEMBERS and OWNERS as the BOARD may decide at its discretion.
- B) Collect all assessments from the OWNERS and use said monies for the operation of the CORPORATION.
- C) Buy, sell, mortgage, lease, rent real estate or other assets, borrow, invest, maintain checking accounts and savings accounts, maintain adequate reserve funds or do any act to preserve the assets of the CORPORATION. To collect delinquent assessments and to employ the provisions and powers set forth in the DECLARATION to collect, foreclose, execute or levy against any OWNER'S personal effects, LOT or LIVING UNIT for such delinquency.

D) Fine and Penalties:

The association may levy and collect assessments duly made by the Association for a share of common expenses or otherwise, including any other monies duly owed the Association, together with interest thereon (not to exceed the prime rate), late fees and reasonable attorney's fees.

The association may impose reasonable fines upon Owners for failure to comply with provisions of the Covenants and Restrictions, By-Laws, Amended By-Laws or rules and regulations subject to the following provisions:

- 1) Any person who fails to comply with the above provisions shall be subject to possible penalties.
 - 2) A fine shall not be imposed unless the Owner is given written notice of the action taken and of the alleged basis for the action and is advised of the right to participate in the Alternative Dispute Resolution (ADR) procedure provided for in these By-Laws. An Owner who does not believe that the Alternative Dispute Resolution (ADR) procedure has satisfactorily resolved the matter shall be prevented from seeking a judicial remedy in a court of competent jurisdiction.
- E) Prepare budget annually and keep financial records in accordance with Generally Accepted Accounting Principles (GAAP). Retain legal counsel and Certified Public Accountants (CPAs) to assist the Board in its Management and Fiduciary Responsibilities.
- F) Capital Improvements. Any Capital Improvement up to \$20,000 (as of 7/1/2000), plus the consumer price index (CIP) in future years) can be made by two-thirds vote of the entire Board of Trustees.

Any CAPITAL IMPROVEMENT over the regulated amount in Section 2(F) shall require a mandatory vote of the entire Board of Trustees and also compliance with provisions of the

Radburn Bill (S2495/A4091) as signed into law in New Jersey by Governor Chris Christie on July 13, 2017.

G) The Board shall have the authority to take action to effect immediate repairs, replacements, etc. in the event of an emergency, such as: fire, hurricane, Act of God, or any other loss not otherwise insured, which may be necessary to preserve the property of the Association when in the absence of immediate action, additional destruction/loss might occur.

H) To employ and dismiss any employees or contractors and to retain such professionals for such period of time as the Board may determine in its sole discretion.

I) To enforce the provisions of the CORPORATION, as embodied in the Articles of Incorporation, the DECLARATION and these By-Laws, and rules and regulations specifically, but not by way of limitation, those provisions limiting permanent occupancy require one of the occupants to be fifty-five years of age or over, and preclude permanent occupancy to those under nineteen (19) years of age.

J) To ensure against loss from fire and vandalism, to provide directors liability insurance for any other cause, and to maintain public liability insurance. To insure any person who has been, now is or shall become a duly elected trustee, a duly elected or appointed officer an employee or committee member, and any members of the Association acting at the direction of the Board of Trustees on behalf of the Association in a voluntary capacity.

K) To adopt such Rules and Regulations as the BOARD may deem necessary at its sole discretion.

L) To sue, on advice of legal counsel, any person or entity in any Court of competent jurisdiction, for any legitimate corporate purpose.

M) The Trustees shall provide an ALTERNATIVE DISPUTE RESOLUTION (ADR) to insure the rights of any resident.

ARTICLE V OFFICERS

SECTION 1

OFFICERS OF THE CORPORATION

Officers of the corporation shall be a President, Vice President, Secretary and Treasurer. All officers must be members of the BOARD. The officers shall be elected annually by a majority vote of the BOARD.

SECTION 2

DUTIES OF THE PRESIDENT

The President shall preside at all HOMEOWNER and BOARD meetings. The President shall have all the powers and duties invested in the office by the Certificate of Incorporation, the BY-LAWS and the DECLARATION, and shall include any powers allowed by law.

SECTION 3

DUTIES OF THE VICE PRESIDENT

The VICE PRESIDENT, in the absence of the PRESIDENT, shall have the powers and duties of the President and shall further have such duties and responsibilities as may be assigned by the President of the Board.

SECTION 4

DUTIES OF THE RECORDING SECRETARY

The RECORDING SECRETARY shall attend all meetings of the CORPORATION and BOARD and shall record all votes and take minutes of the proceedings and shall draft resolutions and include all proceedings in a MINUTE BOOK. All other duties incident to the office of the Secretary shall be performed by him/her.

SECTION 5

DUTIES OF THE TREASURER

The TREASURER shall receive and deposit, in appropriate bank accounts, all monies of the CORPORATION and disburse such funds as directed by the BOARD provided that disbursements made in the ordinary course of business shall not need resolutions.

The Treasurer shall keep books of account and cause an annual audit of the CORPORATION books to be made by a Certified Public Accountant (CPA). The Treasurer shall prepare a balance sheet, income and expense statement, and budget for each year.

ARTICLE VI
COMMITTEES

The BOARD shall have the right in its sole discretion to designate such committee or committees as may be appropriate to assist the BOARD. Such committee or committees shall have as many members as the BOARD deems to be appropriate and each member of any committee shall be appointed by a majority vote of the BOARD. Any person appointed to a Committee created by the Board shall serve at the Board's pleasure and may be removed with or without cause by a majority vote of a quorum of the Board of Trustees.

ARTICLE VII
DECLARATION OF COVENANTS AND RESTRICTIONS
OF HOLIDAY CITY SOUTH

The DECLARATION, with any amendments or SUPPLEMENTARY DECLARATION, shall be deemed incorporated herein by reference. In the event of any conflict, the DECLARATION, together with any amendments or SUPPLEMENTARY DECLARATION, shall control over the By-Laws. The By-Laws shall control over the Rules and Regulations.

ARTICLE VIII
VALIDITY

In the event it is determined by a Court of Law that a specific provision or provisions of the BY-LAWS, or any part thereof is unconstitutional, unenforceable, or in any way unlawful, said provision or provisions shall be severable from the remaining portion of these BY-LAWS. The intent is that the remaining.

BY-LAWS shall remain in full force and effect and that any judicial decree shall only affect the provision that is dealt with.

ARTICLE IX
AMENDMENTS

These By-Laws may be amended only by a two-thirds vote of the total Board and confirmation by the membership as required by the Radburn Act of 2017.

The complete text(s) of any proposed amendments shall be printed in the Association's monthly newspaper and displayed on the Clubhouse bulletin board for a minimum of sixty (60) days and read at two (2) consecutive HOMEOWNERS meetings.

Voting shall be by electronic ballot, written ballot, cast in person, or by proxy, or by mailed ballot, when requested.

HOLIDAY CITY SOUTH HOMEOWNERS' CORPORATION

Record and Return to:
Karl T. Meth, Esq.
Becker & Poliakoff
1776 on the Green
67 East Park Place
Suite 800
Morristown, New Jersey 07960

139 Santiago Drive
Toms River, New Jersey 08757
(732) 341-8900
Fax: (732) 341-8742

These By-Laws of Holiday City South, Inc. supersede all other By-Laws.

These By-Laws have been duly voted on by the Trustees and Homeowners and have been adopted and to be effect as of November 1, 2013.

SIGNED:

Vivian Benner

Vivian S. Benner, Pres

Al Molinaro

Al Molinaro

Arthur Saltzman

Arthur Saltzman

Sylvia Ormando

Sylvia Ormando

Pat McIlvaine

Patricia McIlvaine

Marilynn Gaeta

Marilynn Gaeta

Dominick Tafuni

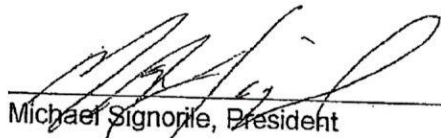
Dominick Tafuni

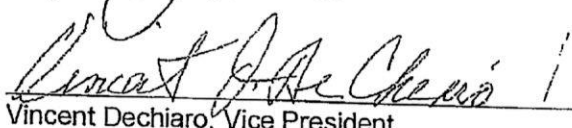
HOLIDAY CITY SOUTH CORPORATION
138 Santiago Drive
Toms River, NJ 08757
732-341-8900 – Telephone
732-341-8742 – Fax

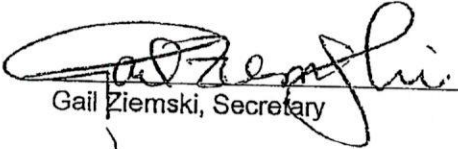
These By-Laws of Holiday City South Corporation supersedes all other By-Laws.

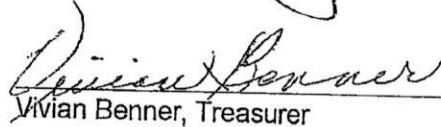
These By-Laws have been duly voted on by the Trustees and Homeowners and have been adopted and are to become effective as of June 26, 2019.

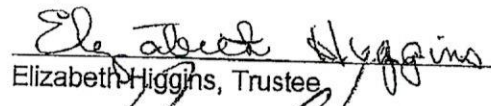
Signed By:

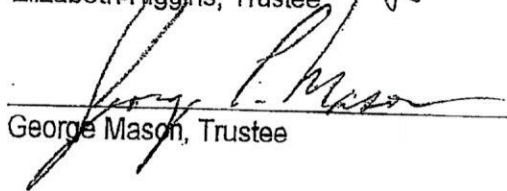

Michael Signorile, President


Vincent Dechiaro, Vice President


Gail Ziemski, Secretary


Vivian Benner, Treasurer


Elizabeth Higgins, Trustee

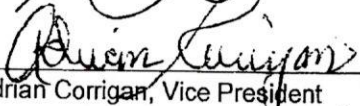

George Mason, Trustee

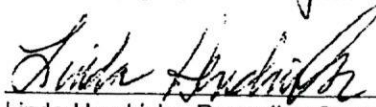
These By-Laws of Holiday City South Corporation supersedes all other By-Laws.

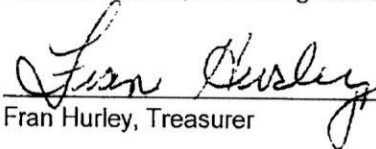
These By-Laws have been duly voted on by the Trustees and Homeowners and have been adopted and are to become effective as of July 27, 2022.

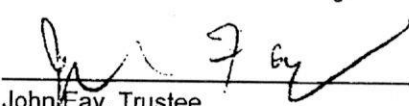
Signed By:

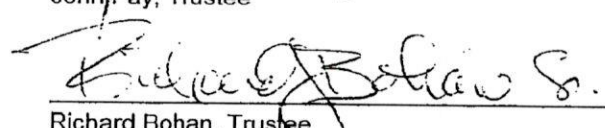

Michael Signorile, President

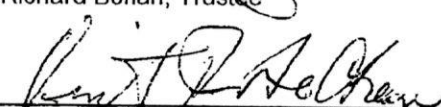

Adrian Corrigan, Vice President


Linda Hendricks, Recording Secretary


Fran Hurley, Treasurer


John Fay, Trustee


Richard Bohan, Trustee


Vincent DeChiaro, Trustee

(State of New Jer

(County of Ocean) ss:

BE IT REMEMBERS that on this 27th day of July 2022, before me the subscriber, an attorney of Law of the State of New Jersey, personally or virtually appeared Michael Signorile President, and Linda Hendricks Secretary of HOLIDAY CITY SOUTH HOMEOWNERS CORPORATION, a New Jersey nonprofit corporation, who, I am satisfied, are the persons named in and who executed the within instrument, after notice and meeting upon a vote of the Membership in accordance with Association documents and the New Jersey Condominium Act, and thereupon they acknowledged that they signed, sealed and delivered the same as the act and deed of the Association for the uses and purposes therein expressed.

Sworn to the subscribed before me, the date aforesaid.


A Notary of the State of New Jersey

