

ATLANTIC COUNTY, NJ  
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RECORDED 10/20/2016 03:13:52 PM  
INST # 2016063574 VOL 14146

Prepared by: Marie Wagner

**FIFTH AMENDMENT TO DECLARATION**

**OF**

**GATHERINGS AT BEL AIRE LAKES HOME OWNERS ASSOCIATION INC.**

This Amendment to the Declaration/By-Laws of The Gatherings at Bel Aire Lakes Home Owners Association, Inc. is made this 5<sup>th</sup> day of August, 2014 by the Gatherings at Bel Aire Lakes Homeowners Association, Inc., a New Jersey non-profit corporation, located in Absecon, N.J., in Atlantic County.

**Age Restriction**

Whereas, the Gatherings at Bel Aire Lakes Homeowners Association, Inc., is a non-profit corporation of the State of New Jersey and is governed by a Declaration of Covenants, and Restrictions recorded with Atlantic County on August 16, 2005 as instrument # ~~200587274~~ in book # 1211 of Deeds; and  
*2005087274 (PK)*

Whereas, the development as described in the Declaration contains a total of 125 single family home building lots (individually a 'lot' and collectively 'the lots') to contain single family attached or semi attached residences and three other lots to contain, storm water detention basins for management of the Projects surface water runoff and the Project's recreational amenities consisting of a Clubhouse, a Gazebo and a paved parking area (collectively referred to as "common areas") and

Whereas the Declaration calls for the establishment of a non-profit homeowners association (the "Association") composed of all of the owners of Lots at the Project to manage the Common Areas, to provide certain services to the Lots and to impose and collect assessments from the Lot Owners to pay for the costs of such maintenance and services; and

Whereas, the Association known as the Gatherings at Bel Aire Lakes Homeowners Association, Inc., a New Jersey not for profit corporation, was lawfully formed by the Declarant in the accordance with the Declaration; and

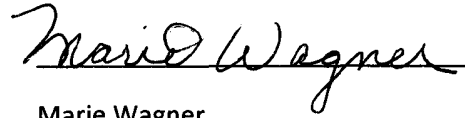
Whereas, pursuant to Article XIII, section 1 of the By-Laws, the By-Laws of the Association may be amended at a regular, annual or special meeting of the members by a majority vote of the members; and

Whereas, consistent with the terms and provisions of the Association's governing documents, on proper notice to the members of the Association, on July 29, 2014 an annual meeting of the owners was conducted for the purpose of casting ballots on the issue of amending the By-Laws of the Association and voting to restrict the percentage of "under 55 years of age restriction" not to exceed 3%, and

Whereas, the Association having met the quorum requirements as established by the governing documents and having received a sufficient affirmative vote pursuant to the terms of the By-Laws to ratify and approve the amendment as follows;

Whereas, the Gatherings at Bel Aire Lakes is considered as "housing for older persons" as that term is defined in Section 805 (d) (2), of the Fair Housing Act of 1988. To maintain the properties intended use as housing for older persons the mandate is that no more than 20% may house persons under their 55<sup>th</sup> year. The Gathering at Bel Aire Lakes has voted to maintain that no more than 3% of the homes may house persons under 55 years of age (excluding spouses or persons with disabilities).

This amendment does not discriminate against Article 2, section (b) subsection (IV), "any persons in at least their 19<sup>th</sup> year of age or over, residing with and providing physical or economic support to a permitted occupant ", however this applies once proof has been established and approved by the Board of Trustees.



Marie Wagner



William McLees



Mary Parlato

ATTEST:



Carolyn Caldwell

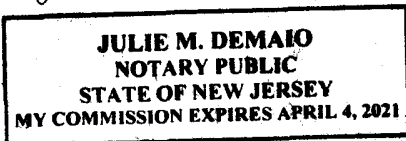
STATE OF NEW JERSEY; COUNTY OF ATLANTIC: ss.

I CERTIFY that on Oct 19, 2016, Carolyn Caldwell, personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of the Gatherings at Bel Aire Lakes Homeowners Association, Inc., the corporation named in the attached document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer, Marie Wagner, the President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Trustees;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Sworn to and subscribed before  
me on October 19, 2016.

Julie M. DeMaio



Carolyn J. Caldwell

Carolyn Caldwell  
Secretary, Attesting Witness

*Record and return to:*  
Hyberg White & Mann  
2111 New Road, Suite 105  
Northfield, NJ 08225