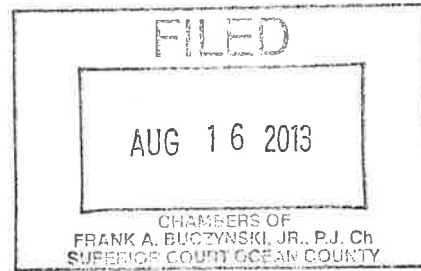


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John J. Piret and Irene E. Piret,

Plaintiffs,

vs

Ocean Beach Shores Club, et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: OCEAN COUNTY

DOCKET NO.: OCN-C-263-08

Civil Action

AMENDED FINAL JUDGMENT AND ORDER

This ORDER is meant to supplement and modify the Court's prior Order of April 28, 2010, which was recorded in the Ocean County Clerk's Office in OR Book 14608 at page 1486 on June 3, 2010, based upon specific regulatory bodies' respective directives made following Super Storm Sandy of October 29, 2012.

THIS MATTER having been brought before the Court on Motion by the Ocean Beach Shores Club, through their counsel White Fleischner & Fino, LLP and for good cause being shown, the following findings have been made:

1. The community of Ocean Beach Shores Club ("OBS") was created by the filing of the following maps with the Ocean County Clerk's office:
 - Map No. I-519, filed June 6, 1966;
 - Map No. A-520, filed June 6, 1966; and
 - Map No. E-94, filed March 9, 1967.

2. All lots created by filed maps I-519, A-520 and E-94 are subject to deed restrictions which are universal, reciprocal, uniform and have created the existing neighborhood scheme.
3. In particular, the deed restriction in relevant part states that "[n]o more than one residence or more than a one-story family dwelling shall be allowed on any lot without special written approval of the Developers."
4. Consistent with the neighborhood scheme, all units have been constructed with roofs that are pitched.
5. All unit owners at OBS trace their title back to common grantors who filed maps I-519, A-520 and E-94 and drafted the above-referenced deed restriction.
6. All owners of real property in OBS are members of the Ocean Beach Shore Club, Inc. ("Club").
7. The deed restrictions are also contained in the Club By-laws.
8. All members of the Club are bound by the By-laws.

Whereas the above findings have been made by the Court and the Court having ascertained that the following determinations are warranted and appropriate,

IT IS on this 16th day of August, 2013,

ORDERED that no building shall exceed 17'6" as measured from the finished first floor to the highest part of the building except for any chimney as required by code and; it is further

ORDERED that no building in the FEMA designated A zones shall exceed the greater of BFE plus forty-eight (48) inches as measured to the finished first floor in accordance with the designated FEMA flood zone directive, subject to any and all local, state or federal regulations,

or thirty-two (32) inches in height as measured from the average curb height to the bottom of the lowest horizontal structural member; and it is further

ORDERED that no building in the FEMA designated V zones, excluding Ocean front homes, shall exceed the greater of BFE plus forty-eight (48) inches as measured to the bottom of the lowest horizontal structural member in accordance with the designated FEMA flood zone directive, subject to any and all local, state or federal regulations, or thirty-two (32) inches in height as measured from the average curb height to the bottom of the lowest horizontal structural member; and it is further

ORDERED that no Ocean front building shall exceed the greater of BFE plus seventy-two (72) inches as measured to the bottom of the lowest horizontal structural member in accordance with the designated FEMA flood zone directive, subject to any and all local, state or federal regulations, or thirty-two (32) inches in height as measured from the average curb height to the bottom of the lowest horizontal structural member (this is an exception to the requirements in a V zone); and it is further

ORDERED that no building located outside of a FEMA flood hazard designation area shall exceed thirty-two (32) inches in height as measured from the average curb height to the bottom of the lowest horizontal structural member, subject to any and all local, state or federal regulations; and it is further


ORDERED that habitable living space above the first floor is not prohibited by the deed restrictions and existing neighborhood scheme; and it is further

ORDERED that any and all use of habitable living space above the first floor remains subject to approval by the Board and the Developer and must be consistent with all applicable codes and regulations; and it is further

ORDERED that the above-referenced deed restriction is valid, enforceable and is essential to the maintenance of the existing neighborhood scheme at OBS, and it is further

ORDERED that a copy of this Amended Final Judgment and Order shall be recorded in the land records of the Ocean County Clerk; and it is further

ORDERED that the Club By-laws are hereby supplemented to include a copy of this Amended Final Judgment and Order.



Frank A. Buczynski, Jr., P.J.Ch.