

TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP
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Red Bank, New Jersey 07701
(732) 985-1000
Attorneys for Defendants
Trustees of the Ocean Beach Shores Club

JOHN J. PIRET and IRENE E. PIRET,

Plaintiffs,

v.

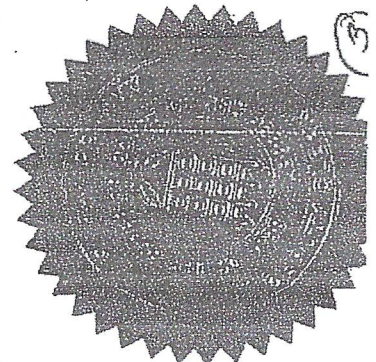
EDWARD COOGAN and TERRI COOGAN;
BENEDICT MITCHELL and MARY
MITCHELL; FRANCES BARRY; MARGARET
KEAVENEY; JEANNE MORAN; DENNIS
BELLARS; THOMAS CULLEN and RUTH
CULLEN; DARLENE PEREKSTA; JANET
DEBENEDETT; MARK TRAVERS and
ANN TRAVERS; ROBERT CARDINALE and
NANCY CARDINALE; MARION IRWIN;
ELIZABETH OTTERBEIN; JACK OTTERBEIN;
FRED ALGIERI and SHIRLEY ALGIERI;
RICHARD PFAFF and MARY PFAFF;
PHYLLIS RESCH; ROBERT MENZEL and
DEBORAH MENZEL; PATRICIA WARD,
TRUSTEE; WARD FAMILY; THOMAS
HUNGRIGE and TINA HUNGRIGE; JOSEPH
LAMBARIELLO and SUSAN LAMBARIELLO;
BERNARD CASEY and KATHLEEN CASEY;
JOHN LANZA and BONNIE LANZA; GLADYS
RAFFERTY; PETER DEPERT and ETTA
DEPERT; ANTHONY DELGAIZO and
SHARON DELGAIZO; ANN ROWLAND;
WILLIAM NAKONECHNY and DIANE
NAKONECHNY; ELSIE ANDERSON;
LORETTA KADEN; MARY M. TRESKA;
THERESA CANNON; MICHAEL SERAFIN;
ANTHONY MAJESKI and IRENE MAJESKI;
ANTHONY FELLE and IRENE FELLE;
TERRANCE O'GRADY; MICHAEL
O'SULLIVAN and KATHLEEN O'SULLIVAN;
KATHERINE EVANS; ERIC WELLE and
LENORA WELLE; WALTER BERRY and

: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION
: OCEAN COUNTY

: Docket No.: OCN-C-263-08

CIVIL ACTION

FINAL JUDGMENT AND ORDER



R & R
Lomurro, Davison, Eastman, Munoz
Manmouth executive center
100 Willow Brook Rd.
building 1
Freehold, NJ 07728.

1560 N
985-1000
h

PATRICIA BERRY;
WILLIAM REINHOLD and FLORENCE
REINHOLD; RICHARD STRAVACH
and CAROL STRAVACH; EDWARD
BRZOSTOWSKI and BETTY BRZOSTOWSKI;
GARY SMITH and PATRICIA SMITH; NEIL
BICKFORD and MICHELE BICKFORD;
JOSEPH McKEEVER and DIANE McKEEVER;
ANGELO DURANTE; ROBERT
MIKALOUSKAS and THERESA
MIKALOUSKAS; ALICE FIRGAU; THOMAS
O'CONNOR and PATRICIA O'CONNOR;
EDNA KAUFOLD; KENNETH SMITH
and LINDA SMITH; JAMES O'BRIEN and
KATHLIN O'BRIEN; GIULIANO
FRANCISCOVIC and LORRAINE
FRANCISCOVIC; WALTER KOPEC and
ADELE KOPEC; JOSEPH BROZEK and
HELEN BROZEK; DR. CHARLES
RUMPLER and RUTH RUMPLER; JOSEPH
DANIELS and MARION DANIELS;
GENEVIEVE SPORER; SCOTT STEVENS
and KAREN STEVENS; ALBERT NUGENT
and JANE NUGENT; JOSEPH BUCZKOWSKI
and JOAN BUCZKOWSKI; CAROL NISSEN;
MARK VAYDA and MICHELLE VAYDA;
JOHN WAGNER and PATRICIA WAGNER;
KEVIN SHIELDS; MICHAEL CAVANAGH
and JAN CAVANAUGH; FRANK LENTINI and
CATHERINE LENTINI; BRIAN KRAMER and
CATHERINE KRAMER; K.K.M. TRUST;
WILLIAM ZEH and EVELYN ZEH; BAY
BEACH CORPORATION; PAUL DIPETRILLO
and JANET DIPETRILLO; SHAUN MAGEE
and DIANE MAGEE; ANN MCCAULEY
DOBSON; ELSIE CRANN; ANN ZWICK;
VINCENT AMMIRATA and CAROL
AMMIRATA; CATHERINE IMMESBERGER;
PATRICK BOYHAN; JOSEPH KLENNER;
SUSAN BERGER; PETER VAN NEST; LYNDIA
FRICCHLONE; STEPHEN MARGIOTTA and
DELIA MARGIOTTA; TIMOTHY DONOHOE
and DORIS DONOHOE; LOUIS

MOSCATTIELLO; GREGORY SAYLE; GERALD
CICOLA and BETTY ANN CICOLA;
TRUSTEES OF THE OCEAN BEACH SHORES
CLUB; OCEAN BEACH SHORES CLUB;
OCEAN BEACH CO.; JOHN McDONOUGH;
OCEAN BEACH DEVELOPERS; SCOTT D.
FRALLEY and JANET FRALLEY, KATHLEEN
M. SCEURMAN, MARYELLEN LEBORGNE;
MICHAEL J. STANLEY; JOSEPH C. STANLEY;
G. GREGORY CANNIFF and MARY LOUISE
CANNIFF; DONALD KOSCHEKA and
MARGARET FOX;

Defendants.

THIS MATTER having been brought before the Court by Plaintiff John J. Piret and Irene E. Piret, (collectively referred to as "Plaintiffs") through their counsel LOMURRO DAVISON EASTMAN AND MUNOZ, PA, and an Answer having been filed by Defendants the Board of Trustees of the Ocean Beach Shores Club ("Board") through its counsel TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP, as well an Answer having been filed by Defendant Darlene Pereksta, through her counsel FARKAS & DONOHUE, P.C., and the Court having received pre-trial memoranda from counsel, including a series of stipulated facts, a certification from Defendant Pereksta, party expert reports, stipulated documents, as well as conducted an in person site inspection, and for good cause being shown, the following findings have been made:

1. The community of Ocean Beach Shores ("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, file 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 one 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 28th day of April, 2010,

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; it is further

ORDERED that no building foundation shall exceed 32" in height as measured from the average curb to top of foundation height subject to any and all local, state or federal regulations; 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 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 FINAL JUDGMENT and ORDER; and it is further

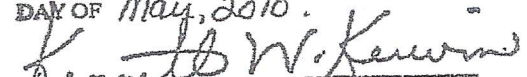
ORDERED that the notice of Lis Pendens recorded in the Ocean County Clerk's Office on ... October 16, 2009 in OR Book 14435 at Page 0662 is hereby DISCHARGED.



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

I, KENNETH W. KERWIN ACTING DEPUTY
CLERK OF THE SUPERIOR COURT OF NEW
JERSEY, THE SAME BEING A COURT OF
RECORD, DO HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE COPY OF THE
FINAL JUDGMENT NOW ON FILE IN MY OFFICE.

IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SET MY HAND AND SEAL AND THE
SEAL OF SAID COURT AT TOMS RIVER THIS 14th
DAY OF May, 2010.


ACTING DEPUTY CLERK SUPERIOR COURT