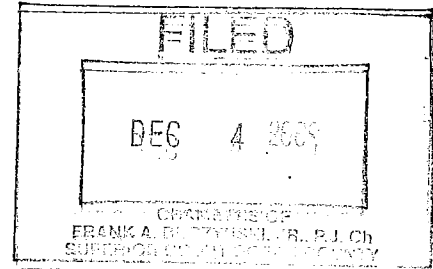


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Attorneys for Defendants: OCEAN BEACH & YACHT CLUB, CARROLL PORTER, DEAN HANSEN, CHARLOTTE FLOHL, BRUCE ANDERSON, JEFF ECKARD, STAN CONNER, JACK O'LEARY, DONNA SKWAREK and TOM JOHANSON
Our File No.: 220-13895-PLDO-BMT



KENNETH F. NISCH and
JOAN CAROL NISCH; FRANK
XAVIER and FRANK VODRASKA,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION/OCEAN COUNTY
DOCKET NO.: OCN-C-224-08

Plaintiffs,

vs

CIVIL ACTION

OCEAN BEACH & YACHT CLUB,
OCEAN BEACH DEVELOPERS,
JOHN R. MCDONOUGH, CARROLL
PORTER, President of the Ocean Beach &
Yacht Club, DEAN HANSEN, Vice-
President of the Ocean Beach & Yacht Club,
CHARLOTTE FLOHL, Secretary of the
Ocean Beach & Yacht Club, BRUCE
ANDERSON, member of the Ocean Beach
& Yacht Club Board, JEFF ECKARD,
member of the Ocean Beach & Yacht Club
Board, STAN CONNER, member of the
Ocean Beach & Yacht Club Board, JACK
O'LEARY, member of the Ocean Beach &
Yacht Club Board, DONNA SKWAREK,
member of the Ocean Beach & Yacht Club
Board, and TOM JOHANSON, member of
the Ocean Beach & Yacht Club Board,

ORDER

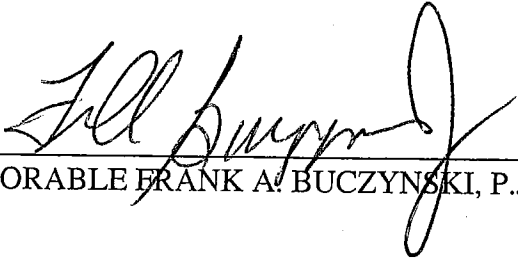
Defendants.

This matter having been come before the Court, and the Court having ascertained that the following determinations are warranted and appropriate:

IT IS ON THIS 4th DAY OF DECEMBER, 2009,

ORDERED as follows:

1. Plaintiff's Complaint, which alleges that defendants are estopped from enforcing the Height Restriction as written is dismissed in its entirety;
2. The OBYC and developer have maintained a consistent position and maintained its intended neighborhood scheme despite certain past violations;
3. The subject Height Restriction is clear and unambiguous and the Board of OBYC is required to enforce the Height Restriction, as written, as it is not subject to interpretation;
4. There has been no abandonment or modification of the original neighborhood scheme by the OBYC;
5. Any mistakes previously made in granting permits to the eight (8) exceptions, which were grandfathered when they joined the OBYC community;
6. All parties must bear their own attorney's fees; and
7. All other and remaining issues, if any, are hereby dismissed.



HONORABLE FRANK A. BUCZYNSKI, P.J.C.S.