

Prepared by \_\_\_\_\_

**MUST BE FILED IN OCEAN COUNTY CLERK'S OFFICE**

**DECLARATION OF DEED RESTRICTION**

This Declaration of Deed Restriction is made this \_\_\_\_\_ day of \_\_\_\_\_,

By: \_\_\_\_\_ (Declarant),

Property located at: (local address) \_\_\_\_\_, hereinafter referred to as "Declarant."

**WITNESSETH**

WHEREAS, the Declarant is the owner of certain real property located in the Borough of Beach Haven, County of Ocean, New Jersey designated as Lot \_\_\_\_\_, Block \_\_\_\_\_, on the official Tax Map of the Borough of Beach Haven; and

WHEREAS, the covenants, terms, conditions, restrictions and purposes imposed with this declaration shall not only be binding upon the declarant but also upon his, her, their or its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the property.

NOW, There is hereby imposed upon the lands described herein a restrictive covenant advising all future owners of the said lands whether acquired by conveyance, inheritance or otherwise that the lands may only be used in accordance with flood regulations established by the Federal Emergency Management Agency (FEMA). A violation of any of the said FEMA regulations may result in:

- A. An issuance of a summons returnable in the Municipal Court of the Borough of Beach Haven, or any other appropriate Court having jurisdiction, providing for a fine of not less than \$100 nor more than \$1,000 per day, or such greater or lesser fines as may be permitted by law for each and every day that any violation of the said FEMA flood protection regulations are violated; or
- B. Subject the owner of the lands to an action in the Chancery Division, Superior Court of New Jersey or any other court having injunctive jurisdiction for a mandatory injunction compelling the owner to remove any violations of the said FEMA regulations.

By acceptance of title to the lands encumbered hereby, any owner thereof whether title be acquired by Deed of conveyance, inheritance or otherwise, grants to the appropriate inspection officers of the Borough of Beach Haven the right upon 48 hours advance notice to inspect the areas of any structure located on the lands which area lies below the base flood elevation (BFE) as defined by FEMA regulations in order to determine compliance with such regulations and for a failure to permit such inspection, the owner of the lands may be subject to Complaint returnable in the Municipal Court of the Borough of Beach Haven and may be subject to a fine

not less than \$100 per day nor more than \$1,000 per day, or any such greater or lesser amounts as may be permitted by law for each and every day which inspection is refused.

**IN WITNESS WHEREOF**, the Declarant has set its hand and seal on the day and year first above written, and directs that this instrument be recorded in the office of the Ocean County Clerk.

**WITNESS:**

\_\_\_\_\_  
Print \_\_\_\_\_

Signature \_\_\_\_\_  
Print \_\_\_\_\_

Signature \_\_\_\_\_  
Print \_\_\_\_\_

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_

:SS

I CERTIFY that on \_\_\_\_\_,

\_\_\_\_\_

Personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) Was the maker of the attached instrument; and
- (b) Executed this instrument as his or her own act

\_\_\_\_\_

Notary