

SUPERIOR COURT OF N.J.

REC'D

OCT 20 1988

J-21  
JOHN M. MAYSON  
CLERK

HUNZIKER, MERREY & JONES, P.A.  
125 Ellison Street  
Paterson, New Jersey 07505  
(201) 742-2623  
Attorney for Defendant

SUPERIOR COURT OF N.J.

FILED L58862

OCT. 20 1988.

PM  
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13 OCT 21 1988  
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PEOPLE AGAINST EASEMENT,  
CHRISTINA BEACH, et al,

Plaintiffs,

v.

UPPER GREENWOOD LAKE PROPERTY  
OWNERS ASSOCIATION

Defendant

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: PASSAIC COUNTY

: Docket No. W 5829-86 ✓

: Civil Action

: 37 ORDER FOR PARTIAL RECEIVED  
: SUMMARY JUDGMENT

1988 OCT 13 P 2 44

REGISTER

This matter having been opened to the court by Hunziker,  
Merrey and Jones, P.A. attorneys for defendant Upper Greenwood Lake  
Property Owners Association, Steven J. Carras, Esq. appearing and in the  
presence of Maloof, Lebowitz and Bubb, Esqs., attorneys for plaintiff,  
People Against Easement, et als., William F. Mueller, Esq. appearing, on  
a motion for summary judgment, and the court having considered the papers  
filed in connection with the motion and having heard the argument of  
counsel and for other good cause shown:

It is on this 11<sup>th</sup> day of OCT. 1988,

ORDERED that the motion of the defendant for summary judgment be  
granted in part against plaintiffs and that judgment be entered:

C -126PG223

(a) declaring plaintiffs and all owners of improved and unimproved property are obligated to contribute their fair share of the repair and maintenance costs of their easement to use Upper Greenwood Lake for bathing, boating and fishing, as determined annually by the Upper Greenwood Lake Property Owners Association in accordance with the common law of New Jersey:

(b) declaring non-use of the easement rights does not extinguish the easement or the property owner's obligation to repair and maintain the easement; and it is further

ORDERED the issues of notice to party plaintiffs, the reasonableness and necessity of expenses incurred by defendant Association, and the validity of quitclaim deeds with respect to the easement rights are expressly excepted from this court's ruling and judgment thereon is reserved pending further motions or a trial on the merits; and it is further

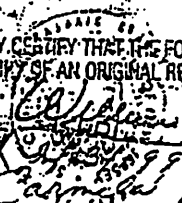
ORDERED that a copy of this order be served upon the attorney for plaintiffs within 7 days of the date of this Order.

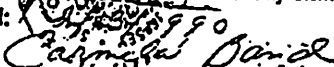
PAPERS CONSIDERED:

- ..Notice of Motion
- ..Movant's Affidavits
- ..Movant's Brief
- ..Answering Affidavits
- ..Answering Brief
- ..Cross-Motion
- ..Movant's Reply
- ..Other.....

  
\_\_\_\_\_  
Nicholas G. Mandak, A.J.S.C.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF AN ORIGINAL RECORDED IN MY OFFICE:

  
County Clerk

Dated:   
Carmela Dand  
Special Deputy