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GLOUCESTER COUNTY RECORDING DATA PAGE

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RECORD & RETURN TO:

*Eastern Title Agency  
One Industrial Way, West Nyack, N.Y.  
Cortlandt NY 07724*

GLOUCESTER COUNTY RECORDING DATA PAGE  
JAMES N. HOGAN, COUNTY CLERK

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Prepared by, Record and Return to:

John F. Semple, Esq.  
 K. Hovnanian Venture I, L.L.C.  
 Raritan Plaza I  
 110 Fieldcrest Avenue, CN 7825  
 Edison, NJ 08818-7825

NJDEP File No. 0802-90-0025.19

  
 John F. Semple, Esq.
**DECLARATION OF RESTRICTION FOR MODIFIED TRANSITION AREA**

**THE DECLARATION** of Deed Restriction is made this 5<sup>th</sup> day of December, 2003, by K. Hovnanian Venture I, L.L.C., having an office at 110 Fieldcrest Avenue, Edison, NJ 08818 hereinafter referred to as "Declarant".

**WITNESSETH**

**WHEREAS**, the Declarant acquired title to certain real property located in the Township of Monroe, Gloucester County, New Jersey, shown and designated on a certain map entitled "Final Plan of Lots, Rittenhouse at Locust Grove, Part of Locust Grove Farm, Section MF-5, QRP Land II, L.P. Deptford Township, Gloucester County, N.J." dated February 21, 2001, last revised October 15, 2001 and filed in the Gloucester County Clerk's Office on October 30, 2001 as Map No. 3464 and 3465 (hereinafter "the Property"); and

**WHEREAS**, wetlands play a significant role in the maintenance of environmental quality on a community, regional, and statewide level; and

**WHEREAS**, wetlands transition areas are integral portions of a freshwater wetlands ecosystem; and

**WHEREAS**, the Declarant has obtained a Freshwater Wetlands transition area waiver ("TA Waiver"), # 0802-90-0025.19, which establishes a modified transition area from the New Jersey Department of Environmental Protection ("DEP") pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq.; and

**WHEREAS**, the TA Waiver issued to the Declarant is conditioned upon the Declarant's recording of a DEP approved deed restriction for the modified transition area more particularly described on Schedule A (hereinafter metes and bounds description of the "Modified Transition Area"), and upon the imposition by the Declarant of a deed restriction to preclude subsequent development of the Modified Transition Area without prior Department approval as outlined below; and

**WHEREAS**, the Declarant desires and intends to restrict subsequent development of the Modified Transition Area in accordance with the covenants, conditions, and restrictions set forth herein;

**NOW THEREFORE**, in consideration of the facts recited above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the Freshwater Wetlands Act, N.J.S.A. 13:9B-1 et seq., and associated regulations, N.J.A.C: 7:7A-1, the Declarant, for itself, its successors and assigns, hereby covenants and agrees with the State of New Jersey, Department of Environmental Protection that the modified transition area is hereby made and declares to be subject in perpetuity to the following covenants and restrictions:

1. The following activities shall not occur within the Modified Transition Area, unless DEP makes the findings specified below.

1. Removal, excavation, or disturbance of the soil;
  2. Dumping or filling with any materials;
  3. Erection of structures;
  4. Placement of pavements;
  5. Destruction of plant life which would alter the existing pattern of vegetation; and
  6. Any other activities constituting a prohibited activity under N.J.A.C. 7:7A-6.2, as amended.
2. These activities shall only occur if DEP finds:
- (a) There is compelling public need for the activity greater than the need to protect the modified transition area;
  - (b) That the activity has no practicable alternative which would;
    - i. Not involve a transition area;
    - ii. Involve a transition area but would have less adverse impact on the transition area and the adjacent wetland; and
    - iii. Not have other significant adverse environmental consequences, that is, it shall not merely substitute other significant environmental consequences for those attendant on the original proposal.
3. The covenants restrictions set forth herein shall run with the land and be binding in perpetuity upon the Declarant, its successors and assigns, in perpetuity, and all parties having or acquiring any right, title or interest in the property or any part thereof.
4. It is the purpose of the Declaration to assure that the modified transition area will be maintained as such and to prevent any disturbance or development of the property. To carry out this purpose, the following rights are granted to the State of New Jersey, Department of Environmental Protection, by this Declaration.
- (a) To enter upon the property in a reasonable manner and at reasonable times so as to assure compliance with the provisions of said restrictions.
  - (b) In addition to the exercise of any other statutory or common law right, to enjoin any activity on, or use of, the property that is inconsistent with the purpose of these conservation restrictions and to enforce the restoration of such areas or features of the property that may be damaged by inconsistent activity or use.
5. The Declarant intends that enforcement of the terms and provisions of the deed restriction shall be at the discretion of the State of New Jersey and that any forbearance on behalf of the State of New Jersey to exercise its rights hereunder in the event of any breach hereof by the Declarant, its successors or assigns, shall not be deemed or construed to be a waiver of the State's rights granted hereunder in the event of any subsequent breach. This shall be true regardless of the number of breaches of the restriction, condition or covenant which occur, or the length of time it remains unenforced.
6. The Declarant reserves to itself, its successors or assigns, all rights as to owners of the property, including the right to engage in all uses of the property not inconsistent with the purpose of these restrictions and the right to the property in accordance with N.J.A.C. 7:7A-6.2(b).

7. No additional right of access by the general public to any portion of the property is conveyed by this instrument.

8. The Declarant agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the property. The Declarant shall be responsible for acts of its own negligence consistent with the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-1 et seq.

9. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor in interest.

10. The Declarant agrees that the terms, conditions, restrictions and purposes of this instrument will be inserted in any subsequent deed, lease, sub-lease or other legal instrument by which the Declarant divests itself of any interest in the property described in Exhibit A.

11. The DEP agrees that it will assign its rights under this instrument only to another governmental body or a charitable conservancy, and only in accordance with N.J.S.A. 13:8B-1 et seq. and N.J.S.A. 13:9B-1 et seq.

12. Notwithstanding anything contained herein to the contrary, any modification or termination of this Declaration shall require the prior written approval of the DEP, its successor or assign.

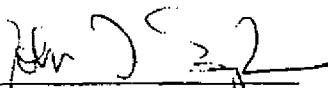
13. If any provision of this Declaration or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Declaration, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

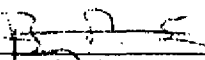
**TO HAVE AND TO HOLD** unto the New Jersey Department of Environmental Protection, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this Declaration shall not only be binding upon the Declarant but also upon its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

**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 Gloucester County Clerk.

Attest:

K. Hovnanian Venture I, L.L.C.

  
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John F. Semple, Asst. Secretary

  
\_\_\_\_\_  
Barry Edelman, President

## SCHEDULE A

Metes and Bounds Description of the Modified Transition Area

578.02

November 7, 2003

DESCRIPTION OF FRESHWATER WETLANDS  
AND ADJACENT WETLANDS TRANSITION AREA  
WITHIN LOT 1, BLOCK 5.39  
DEPTFORD TOWNSHIP, GLOUCESTER COUNTY, NJ

ALL THAT CERTAIN parcel or tract of land situate in the Township of Deptford, County of Gloucester and State of New Jersey, as defined by the "Freshwater Wetlands Transition Area Boundary, NJDEP File No. 0802-90-0025.19", as shown on Plans entitled "Final Plan of Lots, Rittenhouse at Locust Grove, P/O Locust Grove Farm, Section MF-5", prepared by G.S. Winters & Associates, Inc., dated February 21, 2001, last revised October 15, 2001, said plans being recorded with the Gloucester County Clerk on October 30, 2001 as Map File 3464 and 3465, and being more particularly described as follows:

**PARCEL 'A'**

BEGINNING at the point of intersection of the boundary line of Lot 1, Block 5.39 with the Freshwater Wetlands Transition Area Boundary, NJDEP File 0802-90-0025.19 (hereinafter known as Transition Area Boundary), said point being located the following three courses and distances from the point of reverse curvature of a curve connecting the southerly line of Rittenhouse Drive (41.00' wide private drive) with the westerly line of Locust Grove Boulevard (70.00' wide); thence (1) along said westerly line of Locust Grove Boulevard, in a general southeasterly direction along a curve to the left having a radius of 885.00 feet for an arc distance of 90.93 feet to a point of tangency; thence (2) still along the westerly line of Locust Grove Boulevard, S27°04'39"E a distance of 692.94 feet to a point; thence (3) leaving the westerly line of Locust Grove Boulevard along lands of Lot 1, Block 5.39, S62°55'22"W a distance of 1.46 feet to a point and place of BEGINNING; thence

1. Along said lands of Lot 1, Block 5.39, S62°55'22"W a distance of 83.75 feet to a point; thence

Still along said lands of Lot 1, Block 5.39 for the following 102 courses and distances; thence

2. N71°51'53"W a distance of 19.34 feet to a point; thence
3. N52°50'40"W a distance of 53.81 feet to a point; thence
4. N54°19'25"W a distance of 50.60 feet to a point; thence
5. N44°56'49"W a distance of 50.16 feet to a point; thence
6. N47°56'04"W a distance of 45.15 feet to a point; thence
7. N38°07'20"W a distance of 54.44 feet to a point; thence
8. N49°20'23"W a distance of 43.53 feet to a point; thence
9. N36°40'00"W a distance of 42.90 feet to a point; thence
10. N37°43'24"W a distance of 208.74 feet to a point; thence



**G.S. WINTERS & ASSOCIATES, INC.**  
CONSULTING ENGINEERS

11. N33°14'39"W a distance of 30.13 feet to a point; thence
12. N22°09'39"W a distance of 15.39 feet to a point; thence
13. N40°00'36"W a distance of 34.16 feet to a point; thence
14. N46°01'16"W a distance of 10.57 feet to a point; thence
15. N71°14'32"W a distance of 16.82 feet to a point; thence
16. N41°51'28"W a distance of 35.41 feet to a point; thence
17. N64°18'20"W a distance of 19.96 feet to a point; thence
18. S87°35'14"W a distance of 50.96 feet to a point; thence
19. N55°19'04"W a distance of 38.04 feet to a point; thence
20. N38°12'28"W a distance of 46.62 feet to a point; thence
21. N36°19'37"W a distance of 59.91 feet to a point; thence
22. N40°08'05"W a distance of 77.47 feet to a point; thence
23. N00°22'51"E a distance of 57.19 feet to a point; thence
24. N15°41'56"W a distance of 60.72 feet to a point; thence
25. N16°02'09"W a distance of 38.65 feet to a point; thence
26. N02°57'18"W a distance of 63.68 feet to a point; thence
27. N06°16'30"E a distance of 57.24 feet to a point; thence
28. N11°14'50"E a distance of 61.57 feet to a point; thence
29. N03°12'32"W a distance of 44.44 feet to a point; thence
30. N00°28'03"W a distance of 72.76 feet to a point; thence
31. N03°56'14"E a distance of 51.60 feet to a point; thence
32. N05°42'22"E a distance of 62.23 feet to a point; thence
33. N21°05'51"W a distance of 46.07 feet to a point; thence
34. N02°03'41"E a distance of 66.82 feet to a point; thence
35. N42°39'52"E a distance of 37.77 feet to a point; thence
36. N23°08'01"W a distance of 48.96 feet to a point; thence
37. N09°36'26"W a distance of 48.03 feet to a point; thence
38. N03°26'04"W a distance of 46.87 feet to a point; thence
39. N07°28'09"E a distance of 68.71 feet to a point; thence
40. N11°04'05"E a distance of 28.79 feet to a point; thence
41. N25°32'40"W a distance of 26.93 feet to a point; thence

42. N02°49'22"E a distance of 41.59 feet to a point; thence
43. N01°53'38"W a distance of 40.52 feet to a point; thence
44. N10°42'55"W a distance of 32.40 feet to a point; thence
45. N11°55'18"W a distance of 32.13 feet to a point; thence
46. N18°40'28"W a distance of 40.10 feet to a point; thence
47. N13°14'09"W a distance of 50.32 feet to a point; thence
48. N18°20'52"E a distance of 42.05 feet to a point; thence
49. N60°00'55"E a distance of 60.41 feet to a point; thence
50. N15°23'10"E a distance of 9.15 feet to a point; thence
51. N26°11'44"W a distance of 10.87 feet to a point; thence
52. N69°44'32"W a distance of 57.72 feet to a point; thence
53. N21°15'59"W a distance of 53.99 feet to a point; thence
54. N13°30'15"W a distance of 61.53 feet to a point; thence
55. N23°59'08"W a distance of 35.07 feet to a point; thence
56. N34°26'17"E a distance of 36.79 feet to a point; thence
57. N07°00'30"E a distance of 58.15 feet to a point; thence
58. N56°01'34"E a distance of 74.34 feet to a point; thence
59. N68°03'58"E a distance of 49.78 feet to a point; thence
60. N72°45'34"E a distance of 36.28 feet to a point; thence
61. N72°03'14"E a distance of 38.27 feet to a point; thence
62. N86°31'20"E a distance of 49.17 feet to a point; thence
63. N76°20'21"E a distance of 41.57 feet to a point; thence
64. N43°32'51"E a distance of 46.54 feet to a point; thence
65. N50°07'02"E a distance of 39.91 feet to a point; thence
66. N42°11'37"E a distance of 35.65 feet to a point; thence
67. N64°58'09"E a distance of 59.60 feet to a point; thence
68. N61°42'59"E a distance of 29.66 feet to a point; thence
69. N56°58'42"E a distance of 50.06 feet to a point; thence
70. N64°23'09"E a distance of 31.86 feet to a point; thence
71. N75°45'26"E a distance of 26.75 feet to a point; thence
72. N38°06'26"E a distance of 37.72 feet to a point; thence



73. N22°05'01"E a distance of 33.68 feet to a point; thence
74. N07°16'51"E a distance of 40.55 feet to a point; thence
75. N05°01'26"W a distance of 36.76 feet to a point; thence
76. N06°14'53"W a distance of 44.50 feet to a point; thence
77. N62°15'23"E a distance of 41.31 feet to a point; thence
78. N73°00'23"E a distance of 31.21 feet to a point; thence
79. S38°48'43"E a distance of 36.94 feet to a point; thence
80. N70°06'52"E a distance of 28.79 feet to a point; thence
81. S72°53'26"E a distance of 45.83 feet to a point; thence
82. S66°57'50"E a distance of 37.91 feet to a point; thence
83. S76°12'07"E a distance of 68.37 feet to a point; thence
84. S79°00'25"E a distance of 28.73 feet to a point; thence
85. N85°18'30"E a distance of 57.14 feet to a point; thence
86. S73°35'10"E a distance of 79.08 feet to a point; thence
87. S59°57'43"E a distance of 55.82 feet to a point; thence
88. S52°30'35"E a distance of 55.74 feet to a point; thence
89. S19°20'38"E a distance of 49.25 feet to a point; thence
90. S07°13'55"E a distance of 57.99 feet to a point; thence
91. S25°47'20"E a distance of 38.48 feet to a point; thence
92. S19°23'27"E a distance of 32.06 feet to a point; thence
93. S07°23'54"W a distance of 37.73 feet to a point; thence
94. S06°16'02"W a distance of 55.03 feet to a point; thence
95. S22°53'21"E a distance of 42.78 feet to a point; thence
96. S01°59'02"W a distance of 48.11 feet to a point; thence
97. S33°06'42"W a distance of 51.45 feet to a point; thence
98. S23°52'04"E a distance of 59.31 feet to a point; thence
99. S36°33'45"E a distance of 37.96 feet to a point; thence
100. S21°10'01"E a distance of 37.23 feet to a point; thence
101. S16°18'50"E a distance of 44.57 feet to a point; thence
102. S41°05'04"E a distance of 37.10 feet to a point in the northerly line of Locust Grove Boulevard, aforementioned; thence

103. Along said northerly line of Locust Grove Boulevard, S69°30'11"W a distance of 64.34 feet to a point on the Transition Area Boundary; thence  
Leaving the northerly line of Locust Grove Boulevard and the boundary line of Lot 1, Block 5.39, along said Transition Area Boundary and also along or through various lots and rights-of-way as noted, the following 123 courses and distances; thence
104. Through Lot 1, Block 5.39, N41°05'04"W a distance of 26.95 feet to a point; thence
105. Still through Lot 1, Block 5.39, N16°18'50"W a distance of 55.20 feet to a point; thence
106. Still through same, N21°56'21"W a distance of 28.53 feet to a point common to lands of Lot 5, Block 5.28; thence
107. Along said lands of Lot 5, Block 5.28, N67°25'48"E a distance of 6.78 feet to a point; thence
108. Still along lands of Lot 5, Block 5.28 and also along lands of Lots 6, 7 and 8, Block 5.28, N22°34'12"W a distance of 138.00 feet to a point; thence
109. Still along lands of Lot 8, Block 5.28, S67°25'48"W a distance of 10.10 feet to a point; thence
110. Leaving lands of Lot 8, Block 5.28, through lands of Lot 1, Block 5.39, N33°53'17"E a distance of 57.81 feet to a point; thence
111. Still through lands of Lot 1, Block 5.39, N01°59'03"E a distance of 18.16 feet to a point; thence
112. Still through same, N22°53'20"W a distance of 45.15 feet to a point; thence
113. Still through same, N06°33'16"E a distance of 95.45 feet to a point common to lands of Lot 21, Block 5.28; thence
114. Along said lands of Lot 21, Block 5.28, N67°25'48"E a distance of 7.22 feet to a point; thence
115. Still along lands of Lot 21, Block 5.28, and also along lands of Lots 22 and 23, Block 5.28, N22°34'12"W a distance of 92.06 feet to a point; thence
116. Leaving lands of Lot 23, Block 5.28, through lands of Lot 1, Block 5.39, N07°13'54"W a distance of 27.23 feet to a point; thence
117. Still through lands of Lot 1, Block 5.39, N19°20'37"W a distance of 25.02 feet to a point; thence
118. Still through same, N52°30'34"W a distance of 33.96 feet to a point; thence
119. Still through same, N59°57'42"W a distance of 44.75 feet to a point; thence
120. Still through same, N73°35'09"W a distance of 60.73 feet to a point; thence
121. Still through same, N85°18'31"W a distance of 54.22 feet to a point; thence
122. Still through same, N79°00'24"W a distance of 38.46 feet to a point; thence
123. Still through same, N76°12'06"W a distance of 56.78 feet to a point; thence

124. Still through same, S13°47'54"W a distance of 25.00 feet to a point; thence
125. Still through same, N76°12'06"W a distance of 19.92 feet to a point; thence
126. Still through same, N68°24'19"W a distance of 53.32 feet to a point; thence
127. Still through same, S70°06'52"W a distance of 27.84 feet to a point; thence
128. Still through same, S07°16'51"W a distance of 34.02 feet to a point; thence
129. Still through same, S32°28'25"E a distance of 51.40 feet to a point; thence
130. Still through same, S57°31'35"W a distance of 24.85 feet to a point; thence
131. Still through lands of Lot 1, Block 5.39, S35°53'13"E a distance of 50.33 feet to a point common to lands of Lot 32, Block 5.28; thence
132. Along said lands of Lot 32, Block 5.28, S22°34'12"E, non-radially a distance of 139.07 feet to a point in the curved northerly line of Pennsbury Lane (width varies); thence
133. Along said northerly line of Pennsbury Lane, along a curve to the left having a chord bearing of S46°15'29"W for a distance of 47.16 feet and having a radius of 139.00 feet, for an arc distance of 47.39 feet to a point; thence
134. Still along same, S51°39'15"E, non-radially a distance of 18.51 feet to a point still on the curved northerly line of Pennsbury Lane (as measured 20.50' from centerline at this point); thence
135. Still along the northerly line of Pennsbury Lane, along a curve to the left having a chord bearing of S25°00'12"W for a distance of 46.82 feet and having a radius of 120.50 feet, for an arc distance of 47.12 feet to a point of reverse curvature; thence
136. Still along same, along a curve to the right having a radius of 79.50 feet for an arc distance of 67.77 feet to a point; thence
137. Leaving the northerly line of Pennsbury Lane, through lands of Lot 1, Block 5.39, N13°47'18"W a distance of 25.46 feet to a point; thence
138. Still through lands of Lot 1, Block 5.39, N19°46'49"W a distance of 58.26 feet to a point; thence
139. Still through same, N19°10'32"W a distance of 46.18 feet to a point; thence
140. Still through same, N23°41'48"W a distance of 49.75 feet to a point; thence
141. Still through same, N33°00'25"W a distance of 75.86 feet to a point; thence
142. Still through same, N66°07'36"W a distance of 21.86 feet to a point; thence
143. Still through same, S84°10'24"W a distance of 10.92 feet to a point; thence
144. Still through same, S67°29'08"W a distance of 24.82 feet to a point; thence
145. Still through same, S56°58'43"W a distance of 48.66 feet to a point; thence
146. Still through same, S61°43'00"W a distance of 33.85 feet to a point; thence
147. Still through same, S64°58'09"W a distance of 49.22 feet to a point; thence

148. Still through lands of Lot 1, Block 5.39, S42°11'38"W a distance of 27.72 feet to a point; thence
149. Still through same, S50°07'02"W a distance of 40.62 feet to a point; thence
150. Still through same, S43°32'52"W a distance of 46.04 feet to a point; thence
151. Still through same, S59°56'37"W a distance of 28.23 feet to a point; thence
152. Still through same, S76°20'22"W a distance of 49.86 feet to a point; thence
153. Still through same, S86°31'21"W a distance of 46.90 feet to a point; thence
154. Still through same, S72°25'26"W a distance of 65.22 feet to a point; thence
155. Still through same, S68°03'58"W a distance of 41.00 feet to a point; thence
156. Still through same, S56°01'35"W a distance of 40.66 feet to a point; thence
157. Still through same, S07°00'30"W a distance of 45.44 feet to a point; thence
158. Still through same, S34°26'18"W a distance of 17.88 feet to a point; thence
159. Still through same, S21°48'10"E a distance of 14.08 feet to a point; thence
160. Still through same, S12°43'57"E a distance of 55.95 feet to a point; thence
161. Still through same, S21°15'58"E a distance of 22.91 feet to a point; thence
162. Still through lands of Lot 1, Block 5.39, S69°43'21"E a distance of 35.81 feet to a point common to lands of Lot 18, Block 5.29; thence
163. Along said lands of Lot 18, Block 5.29, S43°16'01"W a distance of 16.88 feet to a point; thence
164. Still along lands of Lot 18, Block 5.29, S46°43'59"E a distance of 70.89 feet to a point; thence
165. Leaving lands of Lot 18, Block 5.29, through lands of Lot 1, Block 5.39, S07°06'11"W a distance of 15.77 feet to a point; thence
166. Still through lands of Lot 1, Block 5.39, S17°11'53"W a distance of 23.98 feet to a point; thence
167. Still through lands of Lot 1, Block 5.39, S35°47'19"W a distance of 22.58 feet to a point common to lands of Lot 1, Block 5.35; thence
168. Along said lands of Lot 1, Block 5.35, S80°20'16"W a distance of 50.93 feet to a point; thence
169. Still along lands of Lot 1, Block 5.35, and also along lands of Lots 2, 3, 4, 5 and 6, Block 5.35, S09°39'44"E a distance of 190.46 feet to a point; thence
170. Still along lands of Lot 6, Block 5.35, N83°51'44"E a distance of 4.88 feet to a point common to lands of Lot 7, Block 5.35; thence
171. Along said lands of Lot 7, Block 5.35, and also along lands of Lots 8, 9, and 10, Block 5.35, S06°08'16"E a distance of 108.04 feet to a point; thence

172. Leaving lands of Lot 10, Block 5.35, through lands of Lot 1, Block 5.39, S10°33'36"W a distance of 22.92 feet to a point common to lands of Lot 11, Block 5.35; thence
173. Along said lands of Lot 11, Block 5.35, S83°51'44"W a distance of 3.62 feet to a point; thence
174. Still along lands of Lot 11, Block 5.35, S06°08'16"E a distance of 14.80 feet to a point; thence
175. Leaving lands of Lot 11, Block 5.35, through lands of Lot 1, Block 5.39, S07°11'01"W a distance of 40.01 feet to a point; thence
176. Still through lands of Lot 1, Block 5.39, S03°26'03"E a distance of 37.91 feet to a point; thence
177. Still through same, S09°36'25"E a distance of 37.68 feet to a point; thence
178. Still through lands of Lot 1, Block 5.39, S22°45'56"E a distance of 30.50 feet to a point common to lands of Lot 16, Block 5.35; thence
179. Along said lands of Lot 16, Block 5.35, S06°08'16"E a distance of 27.56 feet to a point; thence
180. Still along lands of Lot 16, Block 5.35, N83°51'44"E, non-radially a distance of 7.47 feet to a point; thence
181. Leaving lands of Lot 16, Block 5.35, through lands of Lot 1, Block 5.39, along a curve to the right having a chord bearing of S16°00'23"W for a distance of 44.98 feet and having a radius of 50.24 feet for an arc distance of 46.63 feet to a point of tangency; thence
182. Still through lands of Lot 1, Block 5.39, S42°39'53"W a distance of 22.04 feet to a point; thence
183. Still through same, S02°03'41"W a distance of 32.33 feet to a point; thence
184. Still through same, S20°58'59"E a distance of 40.81 feet to a point; thence
185. Still through lands of Lot 1, Block 5.39, S03°22'59"W a distance of 65.09 feet to a point common to lands of Lot 1, Block 5.37; thence
186. Along said lands of Lot 1, Block 5.37, and also along lands of Lots 2, 3, 4, 5, 6 and 7, Block 5.37, S01°55'37"W a distance of 213.53 feet to a point; thence
187. Leaving lands of Lot 7, Block 5.37, through lands of Lot 1, Block 5.39, S10°23'01"W a distance of 37.28 feet to a point; thence
188. Still through lands of Lot 1, Block 5.39, S06°16'30"W a distance of 49.79 feet to a point; thence
189. Still through same, S02°57'18"E a distance of 38.46 feet to a point; thence
190. Still through lands of Lot 1, Block 5.39, S43°38'15"E a distance of 8.38 feet to a point common to lands of Lot 12, Block 5.37; thence
191. Along said lands of Lot 12, Block 5.37, S01°55'37"W a distance of 39.76 feet to a point; thence

192. Still along lands of Lot 12, Block 5.37, S88°04'23"E, non-radially a distance of 104.22 feet to a point in the curved westerly line of Rittenhouse Drive (width varies); thence
193. Leaving lands of Lot 12, Block 5.37, along said westerly line of Rittenhouse Drive, in a general southeasterly direction along a curve to the left, having a radius of 159.00 feet for an arc distance of 40.22 feet; thence
194. Still along the westerly line of Rittenhouse Drive, N55°58'50"E, non-radially a distance of 18.51 feet to a point in the curved westerly line of Rittenhouse Drive (as measured 20.50' from centerline at this point); thence
195. Still along the westerly line of Rittenhouse Drive, in a general southeasterly direction along a curve to the left, having a radius of 140.50 feet, for an arc distance of 55.61 feet to a point common to lands of Lot 1, Block 5.38; thence
196. Leaving the westerly line of Rittenhouse Drive, along lands of Lot 1, Block 5.38, S31°27'59"W, radially a distance of 41.24 feet to a point; thence
197. Still along lands of Lot 1, Block 5.38, S12°06'34"E a distance of 19.26 feet to a point; thence
198. Leaving lands of Lot 1, Block 5.38, through lands of Lot 1, Block 5.39, S79°19'52"W a distance of 15.34 feet to a point; thence
199. Still through lands of Lot 1, Block 5.39, S88°13'03"W a distance of 29.50 feet to a point; thence
200. Still through same, S01°46'57"E a distance of 25.00 feet to a point; thence
201. Still through same, S88°13'03"W a distance of 28.45 feet to a point; thence
202. Still through same, S37°04'20"E a distance of 75.70 feet to a point; thence
203. Still through same, S02°24'46"E a distance of 25.00 feet to a point; thence
204. Still through same, N87°35'14"E a distance of 36.28 feet to a point; thence
205. Still through same, S64°18'19"E a distance of 46.88 feet to a point; thence
206. Still through same, S41°51'28"E a distance of 31.58 feet to a point; thence
207. Still through same, S71°14'32"E a distance of 14.51 feet to a point; thence
208. Still through same, S46°01'16"E a distance of 27.14 feet to a point; thence
209. Still through same, S40°00'36"E a distance of 37.02 feet to a point; thence
210. Still through same, N53°57'18"E a distance of 36.25 feet to a point; thence
211. Still through same, N72°42'27"E a distance of 42.48 feet to a point of curvature; thence
212. Still through same, along a curve to the right, having a radius of 50.00 feet, for an arc distance of 81.91 feet to a point of tangency; thence
213. Still through lands of Lot 1, Block 5.39, S13°25'44"E a distance of 23.50 feet to a point; thence

214. Still through lands of Lot 1, Block 5.39, S16°13'53"E a distance of 28.77 feet to a point; thence
215. Still through same, S42°21'41"E a distance of 43.26 feet to a point; thence
216. Still through same, S49°36'20"E a distance of 33.00 feet to a point of curvature; thence
217. Still through same, along a curve to the right, having a radius of 50.00 feet, for an arc distance of 90.25 feet to a point of tangency; thence
218. Still through same, S53°48'33"W a distance of 26.95 feet to a point; thence
219. Still through same, S12°57'36"W a distance of 32.26 feet to a point; thence
220. Still through same, S48°41'38"E a distance of 49.51 feet to a point; thence
221. Still through same, S38°07'19"E a distance of 55.18 feet to a point; thence
222. Still through same, S47°56'03"E a distance of 41.57 feet to a point; thence
223. Still through same, S44°56'49"E a distance of 46.80 feet to a point; thence
224. Still through same, S54°19'25"E a distance of 46.46 feet to a point; thence
225. Still through same, S52°50'39"E a distance of 44.53 feet to a point; thence
226. Still through lands of Lot 1, Block 5.39, S71°51'52"E a distance of 67.82 feet to a point in the boundary line of Lot 1, Block 5.39 and place of BEGINNING.

Containing 8.019 acres of land.

**PARCEL 'B'**

BEGINNING at a point in the southerly line of Braddock Lane (41.00' wide private drive), said point being located the following two courses and distances from the point of curvature of a curve connecting said southerly line of Braddock Lane with the easterly line of Beacon Drive (41.00' wide private drive), said point of curvature also being common to lands of Lot 4, Block 5.31; thence (1) along said southerly line of Braddock Lane, N67°25'48"E a distance of 93.00 feet to a point of curvature; thence (2) still along the southerly line of Braddock Lane, along a curve to the right having a radius of 79.50 feet for an arc distance of 1.37 feet to a point on the Freshwater Wetlands Transition Area Boundary, NJDEP File 0802-90-0025.19 (hereinafter known as Transition Area Boundary), and place of BEGINNING; thence

1. Leaving the Transition Area Boundary, along said southerly line of Braddock Lane, along a curve to the right having a radius of 79.50 feet for an arc distance of 42.44 feet to a point of reverse curvature; thence
2. Still along the southerly line of Braddock Lane, along a curve to the left having a radius of 120.50 feet for an arc distance of 51.14 feet to a point; thence
3. Still along same, S22°34'12"E non-radially a distance of 19.48 feet to a point; thence

4. Still along same, N67°25'48"E a distance of 41.15 feet to a point on the Transition Area Boundary; thence
5. Leaving the Southerly line of Braddock Lane, along the Transition Area Boundary, S26°42'55"E a distance of 53.20 feet to a point common to lands of Lot 1, Block 5.28; thence
6. Still along the Transition Area Boundary and along lands of Lot 1, Block 5.28, S22°34'12"E a distance of 30.27 feet to a point; thence
7. Still along the Transition Area Boundary, N65°22'29"E a distance of 13.89 feet to a point; thence
8. Still along the Transition Area Boundary, S31°57'29"E, non-radially a distance of 25.24 feet to a point in the curved northerly line of Locust Grove Boulevard (70.00' wide); thence
9. Leaving the Transition Area Boundary, along said northerly line of Locust Grove Boulevard in a general southwesterly direction along a curve to the left having a radius of 885.00 feet for an arc distance of 153.05 feet to a point on the Transition Area Boundary; thence
10. Leaving the northerly line of Locust Grove Boulevard, along the Transition Area Boundary, N43°37'41"W a distance of 15.19 feet to a point; thence
11. Still along the Transition Area Boundary, N24°34'25"W a distance of 15.60 feet to a point common to lands of Lot 1, Block 5.31; thence
12. Still along the Transition Area Boundary and also along lands of Lot 1, Block 5.31, N67°25'48"E a distance of 5.44 feet to a point; thence
13. Still along the Transition Area Boundary and also along lands of Lot 1, Block 5.31, N22°34'12"W a distance of 17.79 feet to a point; thence
14. Still along the Transition Area Boundary, N08°48'07"E a distance of 29.35 feet to a point; thence
15. Still along the Transition Area Boundary, N32°57'42"W a distance of 14.33 feet to a point; thence
16. Still along same, N33°59'02"W a distance of 47.98 feet to a point; thence
17. Still along the Transition Area Boundary, N25°16'07"W a distance of 39.06 feet to a point in the southerly line of Braddock Lane aforementioned and place of BEGINNING.

Containing 0.415 acres of land.



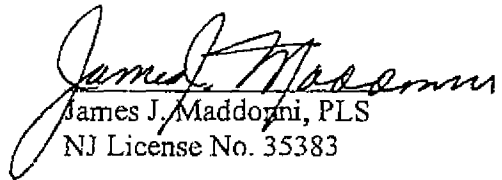
PARCEL 'C'

BEGINNING at a point in the southerly line of Pennsbury Lane (41.00' wide private drive), said point being located the following two courses and distances from the point of curvature of a curve connecting said southerly line of Pennsbury Lane with the easterly line of Beacon Drive (41.00' wide private drive), said point of curvature also being common to lands of Lot 4, Block 5.30; thence (1) along said southerly line of Pennsbury Lane, N67°25'48"E a distance of 88.00 feet to a point of curvature; thence (2) still along the southerly line of Pennsbury Lane, along a curve to the left having a radius of 120.50 feet for an arc distance of 0.26 feet to a point on the Freshwater Wetlands Transition Area Boundary, NJDEP File 0802-90-0025.19 (hereinafter known as Transition Area Boundary), and place of BEGINNING; thence

1. Leaving the Transition Area Boundary, along said southerly line of Pennsbury Lane, along a curve to the left having a radius of 120.50 feet for an arc distance of 106.21 feet to a point; thence
2. Still along the southerly line of Pennsbury Lane, S77°30'05"E, non-radially a distance of 18.95 feet to a point still on the southerly line of Pennsbury Lane; thence
3. Still along the southerly line of Pennsbury Lane, along a curve to the right having a chord bearing of N24°30'24"E for a distance of 34.12 feet and having a radius of 61.00 feet for an arc distance of 34.58 to a point on the Transition Area Boundary also being common to lands of Lot 13, Block 5.28; thence
4. Leaving the southerly line of Pennsbury Lane, along the Transition Area Boundary and also along lands of Lot 13, Block 5.28, S22°34'12"E a distance of 85.00 feet to a point; thence
5. Still along the Transition Area Boundary and lands of Lot 13, Block 5.28, N67°25'48"E a distance of 5.85 feet to a point common to lands of Lot 12, Block 5.28; thence
6. Along the Transition Area Boundary and also along said lands of Lot 12, Block 5.28, S22°34'12"E a distance of 80.50 feet to a point; thence
7. Leaving lands of Lot 12, Block 5.28, along the Transition Area Boundary and through lands of Lot 1, Block 5.39, S15°13'34"W a distance of 33.31 feet to a point; thence
8. Still along the Transition Area Boundary and through lands of Lot 1, Block 5.39, S26°06'17"E a distance of 34.75 feet to a point in the northerly line of Braddock Lane (as measured 38.50' from centerline at this point); thence
9. Leaving the Transition Area Boundary, along said northerly line of Braddock Lane, S67°25'48"W a distance of 11.50 feet to a point of curvature; thence
10. Still along the northerly line of Braddock Lane, along a curve to the right having a radius of 61.00 feet for an arc distance of 17.35 feet to a point; thence
11. Still along same, S10°30'22"E, non-radially a distance of 18.54 feet to a point in the curved northerly line of Braddock Lane (as measured 20.50' from centerline at this point); thence

12. Still along same, along a curve to the right having a chord bearing of N89°07'47"W for a distance of 22.49 feet and having a radius of 79.50 feet for an arc distance of 22.56 feet to a point of reverse curvature; thence
13. Still along same, along a curve to the left having a radius of 120.50 feet for an arc distance of 66.40 feet to a point of tangency; thence
14. Still along the northerly line of Braddock Lane, S67°25'48"W a distance of 0.57 feet to a point on the Transition Area Boundary; thence
15. Leaving the northerly line of Braddock Lane, along the Transition Area Boundary and through lands of Lot 1, Block 5.39, N22°19'37"W a distance of 52.27 feet to a point; thence
16. Still along the Transition Area Boundary and through lands of Lot 1, Block 5.39, N17°02'23"W a distance of 55.55 feet to a point; thence
17. Still along and through same, N22°22'45"W a distance of 26.98 feet to a point; thence
18. Still along the Transition Area Boundary and through lands of Lot 1, Block 5.39, N44°28'28"W a distance of 26.36 feet to a point in the southerly line of Pennsbury Lane and place of BEGINNING.

Containing 0.562 acres of land.

  
 James J. Maddoni, PLS  
 NJ License No. 35383



**LOCUST GROVE COMMON FACILITIES ASSOCIATION  
SUPPLEMENTAL DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS SUPPLEMENTAL DECLARATION made this 4<sup>th</sup> day of February, 2002 by JACK C. SHEPPARD, SUCCESSOR TRUSTEE, ("Declarant").

WITNESSETH THAT:

WHEREAS, Jack C. Sheppard, Successor Trustee is the owner of fee simple title of that certain real property located in the Township of Deptford, County of Gloucester and State of New Jersey, which is more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property") and which is contained within the tract known as the Locust Grove Planned Unit Community (hereinafter, "Locust Grove"); and

WHEREAS, Declarant has previously filed a Second Revised and Amended Declaration of Covenants, Conditions and Restrictions with the County Clerk of Gloucester County, New Jersey, recorded in Deed Book 2593, at Page 40; and

WHEREAS, Declarant has previously filed a Supplemental Declaration of Covenants, Conditions and Restrictions for Washington's Crossing at Locust Grove with the County Clerk of Gloucester County, New Jersey, recorded in Deed Book 2783, at Page 005; and

WHEREAS, Declarant has previously filed a Second Supplemental Declaration of Covenants, Conditions and Restrictions for Lafayette Village at Locust Grove with the County Clerk of Gloucester County, New Jersey, recorded in Deed Book 3028, Page 95; and

WHEREAS, Declarant has previously filed a Third Supplemental Declaration of Covenants, Conditions and Restrictions for Patriots Ridge 1 at Locust Grove with the County Clerk of Gloucester County, New Jersey, recorded in Deed Book 3142 Page 56; and

WHEREAS, Declarant has previously filed a Fourth Supplemental Declaration of Covenants, Conditions and Restrictions for The Club at Locust Grove with the County Clerk of Gloucester County, New Jersey, recorded in Deed Book 3146 Page 141; and

WHEREAS, Declarant has previously filed a Fifth Supplemental Declaration of Covenants, Conditions and Restrictions for Patriots Ridge 2 at Locust Grove with the County Clerk of Gloucester County, New Jersey recorded in Deed Book 3190 Page 258; and

WHEREAS, Declarant has previously filed a Sixth Supplemental Declaration of Covenants, Conditions and Restrictions for Patriots Ridge 3 at Locust Grove with the County Clerk of Gloucester County, New Jersey recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_; and

WHEREAS, Declarant has filed a Seventh Supplement Declaration of Covenants, Conditions and Restrictions for Rittenhouse Part I at Locust Grove with the County Clerk of Gloucester County, New Jersey recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_; and

WHEREAS, Declarant has filed a Eighth Supplement Declaration of Covenants, Conditions and Restrictions for Patroit's Ridge 4 at Locust Grove with the County Clerk of Gloucester County, New Jersey recorded in Deed Book \_\_\_\_\_ Page \_\_\_\_\_; and

WHEREAS, Declarant now desires to supplement the Second Revised and Amended Declaration of Covenants, Conditions and Restrictions to bring within the tract now known as the Locust Grove Planned Unit Community, all that certain premises described in Exhibit "A" and now also known as Rittenhouse Part II at Locust Grove.

NOW THEREFORE, Declarant hereby declares that the Second Amended Declaration of Covenants, Conditions and Restrictions shall herewith be supplemented by making said additional portion of the property known as Rittenhouse Part II at Locust Grove subject to the Second Revised and Amended Declaration of Covenants, Conditions and Restrictions as therein set forth and to provide that the said property subject to said Declaration shall be held, transferred, sold, conveyed, leased, occupied and used subject to the easements, restrictions, covenants, conditions, changes, assessments, obligations and liens their set forth for the purposes of protecting the value and desirability of, and which run with, the real property and be binding upon all parties having right, title or interest in the described property of any part thereof, their heirs, successors and assigns and shall ensure to the benefit of each Lot Owner.

IN WITNESS WHEREOF, the Declarant has executed this Declaration the day and year first above written.

Witness:

[Signature]

[Signature]  
Jack C. Sheppard, Successor Trustee

STATE OF ~~NEW JERSEY~~ PA

SS:

COUNTY OF *Phila*

I certify that on Feb 4, 2002, JACK C. SHEPPARD, SUCCESSOR TRUSTEE, personally came before me and acknowledges under oath, to my satisfaction, that this person (or if more than one, each person):

- a) is named in and personally signed this document; and
- b) signed, sealed and delivered this document as his or her act and deed.

[Signature]  
NOTARIAL SEAL  
THERESA A. NOON Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires May 19, 2003

## LEGAL DESCRIPTION

FOR

LOCUST GROVE FARM - SECTION MF-5 ( BLOCK 5, LOT 16.03 )

DEPTFORD TOWNSHIP, GLOUCESTER COUNTY, NEW JERSEY

All that certain lot, tract or parcel of land situated in the Township of Deptford, County of Gloucester, State of New Jersey, and being described as follows:

BEGINNING at a point on the Proposed Easterly R.O.W. line of Locust Grove Blvd. (70' wide) said point being the Southwesterly most corner of Block 5, Lot 16.03( Section MF-5) and common corner to the Northwesterly most corner of Block 5, Lot 16.01( Section TA1 & 2);thence

1. Continuing along said line of Locust Grove Boulevard, N 27° 04' 39" W, a distance of 692.94 feet to a point; thence
2. Along said line of Locust Grove Boulevard (70' wide), curving to the right in a Northeasterly direction with a radius of 815.00 feet and an arc distance of 1,298.20 feet to a point and common corner to Block 5.24, Lot 2; thence
3. S 34° 40' 18" E along Block 5.24, Lot 2, a distance of 83.83 feet to a point; thence
4. S 40° 29' 56" E continuing along Block 5.24, Lot 2, a distance of 153.92 feet to a point; thence
5. N 72° 54' 11" E still along Block 5.25, Lot 2, a distance of 280.43 feet to a point and common corner to Block 5, Lot 16; thence
6. S 10° 53' 57" E along Block 5, Lot 16, a distance of 428.77 feet to a point; thence
7. S 14° 46' 20" W continuing along Block 5, Lot 16, a distance of 232.43 feet to a point; thence
8. S 19° 21' 23" E still along Block 5, Lot 16, a distance of 647.27 feet to a point and common corner to Block 5, Lot 16.01; thence
9. S 62° 55' 22" W along Block 5, Lot 16.01( Section TA1 & 2), a distance of 794.49 feet to The Point and Place of Beginning.

Containing 28.943 Acres of land more or less.

Being known and designated as Locust Grove Farms - MF 5 ( Block 5, Lot 16.03 ) situated in the Township of Deptford as shown on "Minor Subdivision Plan - Block 5, Portion of Lot 7 & 16 & Lot 18" prepared by Kammerer, Schweppenheiser Associates, Inc. dated June 15, 2001 and also shown on "Plan of Survey - Locust Grove Farm MF-5, Block 5- Lot 16.03 & 18.01", prepared by Kammerer Schweppenheiser Associates, Inc. dated October 8, 2001.

DB3378-P189

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GLOUCESTER COUNTY

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2002 FEB 11 PM 3:35

*James N. Hogan*  
COUNTY CLERK

GLOUCESTER COUNTY RECORDING DATA PAGE

PLEASE DO NOT DETACH THIS PAGE FROM THE ORIGINAL DOCUMENT  
AS IT CONTAINS IMPORTANT INFORMATION AND IS PART OF THE  
PERMANENT RECORD.

RECORD & RETURN TO:

*Neil Rubin Esq.*  
*Abraham Loewenstein*  
*1650 Market St*  
*Suite 3100*  
*Phila, PA 19103*

GLOUCESTER COUNTY RECORDING DATA PAGE  
JAMES N. HOGAN, COUNTY CLERK

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