

Holmdel

1984

4/7

Letter to Judge re response to objections to
Proposed Order

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GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & BERGSTEIN

COUNSELLORS AT LAW

WM. L. GREENBAUM (1914-1983)
 ROBERT S. GREENBAUM
 ARTHUR M. GREENBAUM
 ALLEN RAVIN
 PAUL A. ROWE
 WENDELL A. SMITH
 ALAN E. DAVIS
 MELVYN H. BERGSTEIN
 NATHANIEL H. YOHALEM
 DAVID L. BRUCK
 DAVID S. GORDON
 ROBERT C. SCHACHTER
 MARTIN L. LEPELSTAT
 DENNIS A. ESTIS
 WILLIAM D. GRAND
 CHARLES APPLEBAUM
 VICTOR A. DEUTCH
 DONALD KATZ
 HARRIET FARBER KLEIN
 BENJAMIN D. LAMBERT, JR.
 MICHAEL B. HIMMEL
 DOUGLAS K. WOLFSON
 ALAN S. NAAR
 ROBERT E. LINKIN

ENGELHARD BUILDING
 P. O. BOX 5600
 WOODBRIDGE, NEW JERSEY 07095
 (201) 549-5600

PARKWAY TOWERS
 P. O. BOX 5600
 WOODBRIDGE, NEW JERSEY 07095
 (201) 750-0100

GATEWAY ONE
 NEWARK, NEW JERSEY 07102
 (201) 623-5600

TELECOPIER 549-1881

November 7, 1984

CHARLES R. ORENYO
 MARK H. SOBEL
 HAL W. MANDEL
 MARIANNE MCKENZIE
 PETER J. HERZBERG
 KENNETH T. BILLS
 THOMAS C. SENTER
 GLENN C. GURITZKY
 MICHAEL NORD
 W. RAYMOND FELTON
 AMY E. STEIN
 ALAIN LEIBMAN
 CHRISTINE F. LI
 BRUCE D. GREENBERG
 JOEL M. ROSEN
 MERYL A. G. GONCHAR
 PAUL F. CLAUSEN
 JAMES P. SHANAHAN
 WILLIAM R. GICKING
 JEFFREY J. BURNETT
 NANCY SIVILLI
 NANCY E. BRODEY
 SHARON L. LEVINE
 JOSEPH M. ORIOLO
 JOHN G. HROMY
 JOAN FERRANTE RICH
 JEFFREY R. SURENIAN

HAROLD N. GAST (1933-1984)
 SAMUEL J. SPAGNOLA
 OF COUNSEL

REPLY TO:

Engelhard Building

Hon Eugene D. Serpentelli
 Superior Court of New Jersey
 Ocean County Court House
 CN 2191
 Toms River, NJ 08753

Re: Real Estate Equities,
 Inc. vs. Holmdel Township
Docket No. L-015209-84PW

Dear Judge Serpentelli:

We are in receipt of Mr. Reisner's letter of October 31, 1984 to Your Honor objecting to the proposed form of Order Appointing a Master in the above-captioned litigation. Although Mr. Reisner indicates that it has always been the Township's position that the ordinance in effect at the time of the filing of the Complaint together with the proposed zoning ordinance amendments (zoning ordinance 84-7) are compliant with Mt. Laurel II, the form of Order submitted by this office articulates nothing to the contrary. Indeed, it was for this specific reason that the language provided only that the zoning ordinances "in effect prior to August 27, 1984" did not comply with Mt. Laurel II.

Moreover, the Township's right to argue the applicability of the time of decision rule is entirely unaffected by the proposed form of Order, even assuming the constitutional validity of ordinance 84-7. In light of the fact that the case

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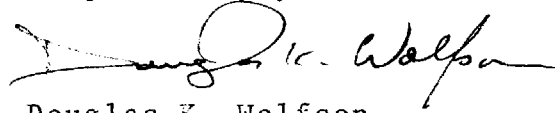
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will, undoubtedly, be appealed by the Township, we would urge that the language contained in plaintiff's proposed form of Order is both accurate and appropriate and, accordingly, should be entered by this Court.

Respectfully yours,



Douglas K. Wolfson

DKW/cm

cc: Ronald L. Reisner, Esq.
J. Peter Sokol, Esq.
Carl S. Bisgaier, Esq.