

THOMAS R. FARINO, JR.
Counsellor at Law

MEMBER N. J., D. C. AND PATENT BARS

RECEIVED

SEP 27 1984

JUDGE SERPENTELLI'S CHAMBERS

CORNER APPLGARTH AND
 PROSPECT PLAINS ROADS
 CRANBURY, NEW JERSEY 08512
 (609) 655-2700

September 24, 1984

Hon. Eugene D. Serpentelli, J.S.C.
 Ocean County Court House
 CN 2191
 Toms River, New Jersey 08753

Re: Monroe Development Associates
 vs. Township of Monroe

Dear Judge Serpentelli:

I am in receipt of a copy of Stewart Hutt's letter of September 12, 1984, to Your Honor seeking reconsideration of the issue of prioritization of builder's remedy and Your Honor's letter of September 14, 1984 requesting a statement of position from all affected counsel. The Township of Monroe takes the position that developer-plaintiffs are entitled to a builder's remedy, if at all, only if they have participated in the trial of the constitutional issues embracing Mt. Laurel. While Mr. Hutt requests that Ms. Lerman be instructed to consider evidence and make recommendations regarding the planning suitability of his client's site, it is the position of the Township of Monroe that any such site-specific consideration does not imply an "entitlement" to a builder's remedy. It would then appear, that based upon the above analysis, that Monroe Development Associates is the only developer-plaintiff entitled to builder's remedy consideration.

Respectfully yours,

THOMAS R. FARINO, JR.

TRF/ah

cc: All counsel of record