

RULS - AD - 1985 - 320

10/23/85

Letter to Clerk + Notice of Motion for Stay of Proceedings
in Bernards v. Hills Dev. Co.

Pgs - 6

RECEIVED

KERBY, COOPER, SCHAUL & GARVIN
COUNSELLORS AT LAW

9 DE FOREST AVENUE
SUMMIT, NEW JERSEY 07901
201-273-1212

RICHARD G. MOSER
OF COUNSEL
JERRY FITZGERALD ENGLISH
OF COUNSEL

RUSSELL T. KERBY, JR.
JOHN W. COOPER
ROBERT F. SCHAUL
ARTHUR H. GARVIN III
PHYLLIS B. STRAUSS

RULS - AD - 1985 - 320

October 23, 1985

Clerk
Superior Court of NJ
CN 971
Trenton, NJ 08625

Re: Bernards Township, et al. advs.
The Hills Development Co.
Docket No. L-030039-84 P.W.

Dear Sir:

Enclosed please find an original and one copy of Notice of Motion for Stay of Proceedings, Certification of Arthur H. Garvin, III, Esq. in Support of Notocie of Motion for Stay and copy of proposed form of Order Staying All Proceedings.

Please file the original and return a copy marked "filed" to this office in the envelope provided.

Thank you for your cooperation.

Very truly yours,

KERBY, COOPER, SCHAUL & GARVIN


Arthur H. Garvin, III

AHG, III:cag
enc.

cc: ✓ The Honorable Eugene D. Serpentelli (w/orig & copy of Order)
Henry A. Hill, Esq.
Clerk, Somerset County
Clerk, Ocean County
James E. Davidson, Esq.

KERBY, COOPER, SCHAUL & GARVIN
9 DeForest Avenue
Summit, NJ 07901
(201) 273-1212
Attorneys for Defendants,
The Planning Board of the Township of Bernards

THE HILLS DEVELOPMENT COMPANY : SUPERIOR COURT OF NJ
Plaintiff, : LAW DIVISION
-vs- : SOMERSET COUNTY/OCEAN COUNTY
: (Mt. Laurel II)

THE TOWNSHIP OF BERNARDS in :
COUNTY OF SOMERSET, a muni- :
cipal corporation of the :
State of New Jersey, :
THE TOWNSHIP COMMITTEE OF :
THE TOWNSHIP OF BERNARDS, THE :
PLANNING BOARD OF THE TOWN- :
SHIP OF BERNARDS AND THE :
SEWERAGE AUTHORITY OF THE :
TOWNSHIP OF BERNARDS, :
Defendant. :

Docket No. L-030039-84 P.W.

CIVIL ACTION

NOTICE OF MOTION FOR
STAY OF PROCEEDINGS

TO: HENRY A. HILL, ESQ.
BRENNER, WALLACK & HILL
2-4 Chambers Street
Princeton, NJ 08540
Attorneys for Plaintiff

SIR:

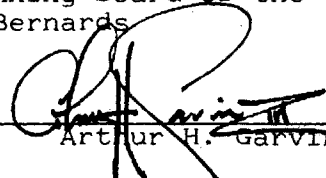
Please take notice that the undersigned attorneys
for defendants in this matter will move before the Honorable
Eugene D. Serpentelli of the Superior Court of New Jersey,
law Division, Somerset/Ocean County, at the Ocean County

Court House, Toms River, New Jersey on November 1, 1985, at 9:00 a.m. or as soon thereafter as counsel may be heard for an order staying all further proceedings in this matter at the trial court level and precluding builder's remedies until further order of this Court.

The undersigned will rely upon the Affidavit of Arthur H. Garvin, III, Esq. attached hereto in support of the foregoing application.

Oral argument is hereby requested.

KERBY, COOPER, SCHAUL & GARVIN
Attorneys for Defendant, The
Planning Board of the Township
of Bernards

By: 
Arthur H. Garvin, III

FARRELL, CURTIS, CARLIN & DAVIDSON
Attorneys for Defendants, The
Township of Bernards Township
Committee and Sewerage Authority
of the Township of Bernards.

October 24, 1985

By: 
James E. Davidson

CERTIFICATION

I hereby certify that the original Notice of Motion herein together with supporting Certification, returnable November 1, 1985, has been filed with the Clerk, Superior Court of New Jersey, CN-971, Trenton, New Jersey 08625 and that copies of same have been filed with the Clerk, Ocean County, Toms River, NJ, the Clerk, Somerset County, Somerville, NJ and that copies of same have been

served upon the attorney for the plaintiff, Henry A. Hill, Esq., Brenner, Wallack & Hill, 204 Chambers Street, Princeton, NJ 08540, by Certified Mail, Return Receipt Requested and upon the attorney for the defendants, The Township of Bernards and Sewerage Authority of the Township of Bernards, James E. Davidson, Esq., Farrell, Curtis, Carlin & Davidson, 43 Maple Avenue, Morristown, NJ 07960 in accordance with the Rules of Court.

Dated: *October 24, 1965*



ARTHUR H. GARVIN, ESQ.

KERBY, COOPER, SCHAUL & GARVIN
9 DeForest Avenue
Summit, NJ 07901
(201) 273-1212
Attorneys for Defendants,
The Planning Board of the Township of Bernards

THE HILLS DEVELOPMENT COMPANY : SUPERIOR COURT OF NJ
LAW DIVISION
Plaintiff, : SOMERSET COUNTY/OCEAN COUNTY
(Mt. Laurel II)
-vs- :
Docket No. L-030039-84 P.W.
THE TOWNSHIP OF BERNARDS in :
COUNTY OF SOMERSET, a muni- : CIVIL ACTION
cipal corporation of the :
State of New Jersey, :
THE TOWNSHIP COMMITTEE OF : CERTIFICATION OF ARTHUR H.
THE TOWNSHIP OF BERNARDS, THE : GARVIN, III, ESQ. IN SUPPORT
PLANNING BOARD OF THE TOWN- : OF NOTICE OF MOTION FOR STAY
SHIP OF BERNARDS AND THE :
SEWERAGE AUTHORITY OF THE :
TOWNSHIP OF BERNARDS, :
Defendant. :

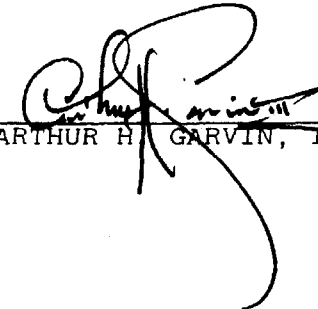
Arthur H. Garvin, III, Esq., certifies as follows:

1. I am an attorney-at-law of the State of New Jersey and am the partner in the law firm of Messrs. Kerby, Cooper, Schaul & Garvin responsible for the representation of the defendant Planning Board of Bernards Township in this matter. I am personally familiar with this matter and make this certification for the above captioned purpose.

Appellate Division should reverse this Court's decision denying transfer, jurisdiction would, in fact, be transferred to the Affordable Housing Counsel.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 24th, 1985


ARTHUR H. GARVIN, III

N.M. Bond
025-92