

AMG

4-15-84

letter re:

- Cert. opposing motion to dismiss further prop. as P.

Pgs. 4

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AM000219V

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APR 16 1985

JUDGE SERPENTELLI'S CHAMBERS

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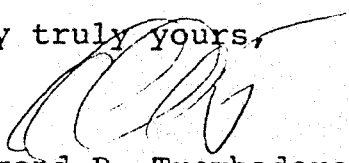
April 15, 1985

Mr. John M. Mayson  
Superior Court Clerk  
CN-971  
Trenton, NJ 08625

Re: AMG Realty Co. et als vs. Township of Warren  
Consolidated with Timber Properties vs. Town-  
ship of Warren  
Docket Nos. L-23277-80 P.W. and L-67820-30 P.W.

Dear Sir:

Enclosed please find Certification opposing motion return-  
able April 26, 1985, in the above matter. Please return  
a filed copy to us in the enclosed self-addressed envelope.  
We have forwarded copies of this pleading to the parties  
noted below.

Very truly yours,  


Raymond R. Trombadore

RRT/mmp

Enclosures

cc: Somerset County Clerk  
Honorable Eugene D. Serpentelli ✓  
Joseph E. Murray, Esq.  
John E. Coley, Esq.  
Eugene W. Jacobs, Esq.  
J. Albert Mastro, Esq.  
Timber Properties

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Attorneys for Timber Properties

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - SOMERSET COUNTY  
DOCKET NO. L-23277-80 P.W.  
L-67820-80 P.W.

AMG REALTY COMPANY and  
SKYTOP LAND CORP.,

Plaintiff

JOAN H. FACEY, et als,

Intervenors,

vs.

THE TOWNSHIP OF WARREN,

Defendant,

CONSOLIDATED WITH

TIMBER PROPERTIES,

Plaintiff,

vs.

THE TOWNSHIP OF WARREN,  
et als,

Defendant.

Civil Action

CERTIFICATION OPPOSING  
MOTION TO "DISMISS TIMBER  
PROPERTIES AS A PLAINTIFF"  
OR DELETE TIMBER PROPERTIES  
FROM ANY BUILDER'S REMEDY  
RELIEF

RAYMOND R. TROMBADORE, of full age, certifies as follows:

1. I am the attorney for the plaintiff, Timber Properties.

2. I have personal knowledge of the matters certified

herein, and I am aware of the penalties for a false certifica-  
tion. I certify that the statements contained herein are true.

3. I have reviewed the certification filed by the attorney for the plaintiff seeking to dismiss Timber Properties as a plaintiff or, in the alternative, to deny Timber Properties a builder's remedy.


4. The only support for the motion is the opinion of the trial court in the matter of Evans and Reiss vs. Timber Properties, Superior Court of New Jersey, Chancery Division, Somerset County, Docket No. C-4728-83. Timber Properties has filed a motion for a new trial which is now returnable on April 26th. The undersigned has requested that the matter be carried to the following Friday, May 3rd, because of a conflict in schedule. The motion for new trial also seeks a stay of judgment. If the motion for a new trial is denied, I have been instructed by my clients, Timber Properties, to file a notice of appeal and to prosecute an appeal from the decision of the trial court.

5. It is the professional opinion of the undersigned that a valid basis for an appeal does exist. It will be contended and urged, both at the trial level and at the appellate level, that the trial court committed error in several respects. First, it will be argued that the trial court entered a verdict which is contrary to the weight of the evidence. Secondly, it will be urged that the trial court misconceived and misapplied the law of contract to the facts as adduced at the trial. Clearly, it is not the function of this court to judge the merits of those issues, but suffice it to say that valid issues do exist

and that a stay of judgment will be required in order to preserve the rights of the plaintiff, Timber Properties.

6. It is also requested that the return date of this motion be adjourned to a date following the determination of Timber's motion for a new trial.

Dated: April 15, 1985

  
RAYMOND R. TROMBADORE