

AMG

9-10-85

letter re:

- Cert opposing transfer motion

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B: # 3307

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COUNSELORS AT LAW

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IN REPLY REFER TO FILE NO 5323-02

JUDGE SERPENTELLI'S CHAMBERS

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9/8/85
mt

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September 10, 1985

Honorable Eugene D. Serpentelli
Judge, Superior Court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08754

Re: AMG Realty Company, et al., vs. Township of Warren, et al.

Dear Judge Serpentelli:

With respect to the above matter we enclose the certification of Richard B. Neff in opposition to the transfer motion filed on behalf of the Township of Warren.

Respectfully yours,

McDONOUGH, MURRAY & KORN
A Professional Corporation

Joseph E. Murray
Joseph E. Murray

JEM:bp
Enclosure

cc: John E. Coley, Jr., Esquire
Eugene W. Jacobs, Esquire
J. Albert Mastro, Esquire
Raymond R. Trombadore, Esquire
Mr. Philip B. Caton
Mr. Richard T. Coppola
Robert H. Kraus, Esquire
John T. Lynch, Esquire

Richard B. Neff, of full age, hereby certifies as follows:

1. I am a principal of AMG Realty Company and of Skytop Land Corp., each of whom are plaintiffs in the above-designated matter. This certification is being submitted in opposition to the application of the Township of Warren to transfer the above case to the Housing Council, which motion is now pending before the Superior Court of New Jersey.

2. I have been personally involved on behalf of AMG Realty Company and Skytop Land Corp. in all matters of the litigation against the Township of Warren as well as matters involving the proposed development of the AMG and Skytop parcels prior to the institution of suit against the Township in December of 1980. These companies have expended in excess of \$236,000 in legal and experts' fees in regard to this matter as of August 1, 1985. The following is a schedule of the expenses incurred by AMG and Skytop with respect to this matter:

Engineering Expenses	\$ 9,814.00
Real Estate Consulting and Experts Fees	28,588.00
Legal Fees	101,154.00
Planning Experts' Fees	55,623.00
Accountants' Fees	5,943.00
Architects' Fees	35,485.00
Public Relations Promotion Materials	5,956.00
Total	<u>\$242,563.00</u>

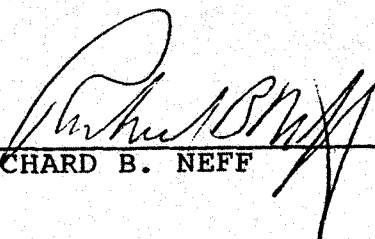
3. These expenses have been incurred over a five-year period, during which time AMG and Skytop have voluntarily removed their lands from the development for single-family housing under the one and one-half acre zone limitations presently in force under the zoning ordinance of Warren Township. These companies have surrendered the marketing of these lands in a municipality which has historically

developed single-family residential homes at very high prices. During the course of this litigation housing sales in Warren Township have involved individual transactions of homes selling for more than \$400,000 and \$500,000. AMG Realty Company and Skytop Land Corp. have maintained the payment of real estate taxes on these properties and have surrendered the farm exemption due to the proposed development of the sites for lower-income housing.

4. In the event that this matter is transferred to the Housing Council there will be substantial additional delays in accomplishing the hoped for objective of lower-income housing construction on these sites. Due to the history of the Township's treatment of these sites it is most likely that the Township would not apply its rezoning planning to these sites for other than single-family one and one-half acre lot development. Even if it were to ultimately favorably rezone these sites under the mediation process, there may well be a loss of a housing market or other unforeseeable events that could impair the housing market and the ability of these companys to produce the housing that it has represented its willingness and ability to do since 1980.

5. I personally feel that I have, through these respective companys, funded meaningful litigation which has helped numerous municipalities and builders to accomplish the objectives of lower-income housing without the necessity of incurring the substantial expenses that I have incurred in this matter. I feel it would be totally unfair to have these expenditures, plus my personal efforts, rendered useless with respect to the AMG and Skytop lands which would probably be the case if this matter were transferred to the Housing Council.

6. I hereby certify that the foregoing statements are true.
I am aware that if the foregoing statements are wilfully false, I am
subject to punishment.



RICHARD B. NEFF

Dated: AUGUST 29, 1985