

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 235 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE FORECLOSURE OF TAX SALE CERTIFICATE NO. 13-0032, BLOCK 3506, LOT 15, 44 REIDY PLACE, WEST MILFORD, NEW JERSEY.

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector has certified to the Municipal Council for the Township of West Milford, in the County of Passaic, a municipality of the State of New Jersey, that the Township of West Milford is the holder of a certain Tax Sale Certificate, No. 13-0032, from the tax sale on March 19, 2013 covering the lands and premises situated in the Township of West Milford shown on the Tax Maps as Block 3506, Lot 15, 44 Reidy Place, in the amount of \$761.53 as of March 19, 2013 the date of the tax sale herein, not including subsequent liens, municipal charges which are made a part hereof; and

WHEREAS, this tax sale certificate appears as Schedule 14 on the Foreclosure List No. 35, attached to Resolution 2018-301 approved to be foreclosed in rem; and

WHEREAS, subsequent title searches in preparation of the foreclosure in rem reveals a federal tax lien pursuant to the Internal Revenue Code, filed by the United States of America, against an assessed owner, PFA Realty Limited Liability Company and Anthony Battinelli, III, managing member regarding an interest in the subject property. The federal tax lien was issued on September 7, 2018; and

WHEREAS, Pursuant to N.J.S.A.54:5-87, in order to debar and foreclose a lien held by the United States of America or any agency or instrumentality thereof, a tax lien held by the municipality must be foreclosed in the same manner as a mortgage and final judgment shall provide for issuance of a writ of execution to the Sheriff, Passaic County, for a judicial sale; and

WHEREAS, by virtue of the aforesaid statute and Rules of Court the federal tax lien imposed upon Block 3506, Lot 15 will require a municipality holding a tax sale certificate to conduct its foreclosure by the "In Personam Process", and

WHEREAS, the Township of West Milford Tax Collector has requested that the municipal council authorize foreclosure to debar and discharge the federal tax liens provided by statute.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey:

1. That the Stuart B. Klepesch, Esq is hereby authorized and directed on behalf of the Township to foreclose Tax Sale Certificate No.13-0032 as provided by N.J.S.A. 54:5-104.87 and the Rules of Court to bar and foreclosure all rights of interest, inclusive of that of the Unites States of America as to any federal tax lien held by the United States of America or any agency or any instrumentality thereof.
2. That compensation for special counsel legal fee in the foreclosure of said certificate shall be in at the certificate fixed amount of \$1,200.00 and that said services and the funds dedicated herein is pursuant to Contract No. 25679 and Resolution No. 2018-301 pertaining to Foreclosure List No.35 and the appointment of the aforesaid counsel for which these services are professional and expertise awarded without competitive bid and is a "Professional Service" in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law.

3. That the Acting Township Clerk shall certify this resolution which shall be made a part of any such action instituted by the township through its delegated officers, officials, or designated counsel for the purpose of foreclosing the aforesaid tax sale certificate.

Adopted: August 14, 2019

Adopted this 14th day of August, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Diane Curcio, Acting Municipal Clerk

Michele Dale, Mayor

Dated: _____

Motion:

Second:

Ayes:

Nays:

Absent:

Abstained:

Approved as to Form and Legally

Fred Semrau, Township Attorney