

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

DOCKET NO. A-001274-24T4

CIVIL ACTION

BLITEI, LLC

Judge Office of Foreclosure Sat below

Defendants-Respondents.

V.

HARINDER SINGH; MR./MRS. SIGNH, SPOUSE OF HARINDER SINGH;
RAYMOND J PRESNAL, HIS HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES AND THEIR OR ANY OF THEIR SUCCESSORS IN
RIGHT, TITLE AND INTEREST; JP MORGAN CHASE BANK NA; SIMREN
REALTY LLC; DAVINDER SINGH; STATE

Plaintiff-Appellant,

BRIEF AND APPENDIX

FOR

APPELLANT HARINDER SINGH

HARINDER SINGH

Email: quaidstreet@gmail.com

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PRELIMINARY STATEMENT

This appeal arises from a **default judgment** entered in a **tax foreclosure proceeding** based on a **Certificate of Sale riddled with fatal defects**. The Appellant challenges the validity of the judgment on multiple independent **constitutional** and **jurisdictional** grounds—each of which, standing alone, warrants **reversal**.

First, the original plaintiff and its assignee **lacked legal capacity to sue** under New Jersey law, having failed to register or obtain authority to conduct business in the state (See **Pa69** and **Pa70**, NJ Department of the Treasury Division of Revenue & Enterprise Services Business Name Search, showing “No Results Found” for Plaintiff’s name). In addition, **no valid assignment or standing credentials** appear in the docketed record to establish Plaintiff’s right to prosecute the foreclosure action.

Second, the judgment was rendered **without proper service upon all interested parties**, including **co-title holders and alleged residents**, based on **inherently contradictory statements in the affidavit of service (Pa61–Pa62)**. The affidavit alleged both **personal service** and **substitute service** on a female allegedly identified as “wife Haris sing,” without supporting documentation, relationship

verification, or sworn clarification. These defects amount to a **presumptively invalid service** and deprived Appellant of **due process** and the protection of the governing court rules.

Third, the **Certificate of Sale**—the foundation of the foreclosure—was **facially defective**, containing **unverified, implausible charges**, no indication of currency, and lacking authentication by a properly credentialed notary.

Fourth, Appellant was **denied a meaningful opportunity to redeem** the property or contest the debt, as the certificate failed to provide a **clear, itemized, or comprehensible breakdown** of charges. The numeric entries lacked currency symbols and failed to match any written format, violating the Borough of Sayreville's published standards for valid payment instruments.

Moreover, the **Order Fixing Amount, Time, and Place for Redemption** (entered April 21, 2022) was procedurally defective. It did not name a contact person, provide a title, or offer a way to verify the identity of the payment recipient. This omission **denied Appellant safeguards necessary to ensure lawful redemption**, increasing the risk of misdirected funds and **due process violations**.

Further, there is **no evidence** in the record of who paid whom, when and where the certificate was purchased, or how the transaction was documented. There is no

cancelled check, receipt, bank record, or any verifiable trail, raising the inference that **no valid transaction occurred**. The complaint and record also fail to confirm whether the property ever received **water or sewer service**, or that the listed charges have any legitimate basis. Additionally, the property was declared **abandoned** without any expert report attached to support whether and how such determination was made.

Appellant also moved timely to **vacate the default judgment**, citing these **jurisdictional** and **constitutional** defects. The trial court denied the motion without addressing these points, relying solely on **Rule 4:50-1 timing arguments**, despite the fact that many defects render the judgment **void**, not voidable.

The **original complaint** improperly named multiple defendants but failed to serve them all. The **Notice of Intent to Foreclose**, required under **N.J.S.A. 54:5-97.1**, was not served, as evidenced by the absence of a **certified mailing receipt or green card**. The **summons was defective**, containing a broken hyperlink and lacking any court contact information. It was issued by a private attorney in the clerk's name—a **procedural impropriety** reserved only for pro se litigants under court rules. Appellant personally inspected the **eCourts docket** and found **no visible copy of the summons, link, or attached PDF**, contrary to required procedure under **Rule 4:4-2**. This improper issuance by private counsel further

violated **Rules 1:9-1 and 4:4-1**, which restrict the power to issue summonses to **court officials** only.

For all these reasons, Appellant respectfully requests that the judgment be **vacated** and the case **remanded or dismissed** for lack of **jurisdiction, notice, and due process**.

PROCEDURAL HISTORY

Plaintiff **US Bank Cust for Actlien Holding** initiated this tax foreclosure action on **November 9, 2021**, by filing a Complaint in the **Chancery Division, Middlesex County**, under **Docket No. F-005667-21**, seeking to foreclose on Tax Sale Certificate No. 19-00048 for property located at **37 Quaid Street, Sayreville, New Jersey (Pa1–Pa5)**.

The Complaint named multiple parties as defendants, including **Harinder Singh**, his alleged spouse (**Mr./Mrs. Singh**), and various individuals and lienholders (**Pa13–Pa14**). The record reflects no certified mailing receipts, green cards, or postal tracking confirming service on Harinder Singh or other parties, and the **Affidavit of Service** included internally inconsistent statements about whether Harinder Singh was personally served or whether a female named “Haris sing” was served at the residence (**Pa61**).

On **April 21, 2022**, the court entered an **Order Fixing the Amount, Time, and Place for Redemption**, setting a deadline of **July 12, 2022**, to redeem the property in person at the Borough of Sayreville Tax Collector's office (**Pa46–Pa48**). The Order failed to specify the identity, title, or contact information for the redemption recipient.

No redemption occurred by the deadline, and on **August 31, 2022**, the court entered a **Final Judgment** in favor of **Blitei LLC**, the assignee of the tax certificate, foreclosing all rights of redemption and vesting title to the property in Plaintiff (**Pa57–Pa60**). The judgment was entered by default without opposition, and no evidentiary hearing was held.

On **October 3, 2024**, Defendant Harinder Singh filed a **Motion to Vacate Default and Default Judgment** under **Rule 4:50-1**, asserting that service was defective, that Plaintiff lacked standing and capacity to sue, that no **Notice of Intent to Foreclose** had been served under **N.J.S.A. 54:5-97.1**, and that the summons was invalid and procedurally defective (**Pa61–Pa62**). In support, Singh submitted a **Business Name Search result** showing that **Blitei LLC was not registered** to do business in New Jersey (**Pa69**).

Singh also submitted a proposed **Order to Vacate** and a **Certification of Service** indicating delivery to all parties (**Pa63–Pa65**). However, the trial court **denied the**

motion on October 25, 2024, ruling that the motion was untimely under **Rule 4:50-1(a)** and that Defendant had failed to show “**exceptional circumstances**” under **Rule 4:50-1(f) (Pa66–Pa68)**. The court **did not address the jurisdictional or due process issues**, nor did it rule on the factual contradictions in the Affidavit of Service.

This appeal followed.

STATEMENT OF FACTS

This case arises from a **tax lien foreclosure** filed by US Bank Cust for Actlien Holding, later assigned to **Blitei LLC**, against Defendant-Appellant **Harinder Singh** and others, concerning real property located at **37 Quaid Street, Sayreville, New Jersey** (Block 156, Lots 20 and 21) (**Pa15**).

On **October 29, 2019**, a **Tax Sale Certificate (No. 19-00048)** was allegedly issued by the Borough of Sayreville and later recorded on **December 24, 2019** in Middlesex County Mortgage Book 17729, page 1769 (**Pa57**). The certificate was eventually assigned to **Blitei LLC**, which filed a foreclosure complaint on **November 9, 2021 (Pa1–Pa5)**. The complaint listed multiple defendants, including Harinder Singh, his fictitious spouse, and several third parties—some of whom were not served (**Pa13–Pa14**).

On **April 21, 2022**, the trial court entered an **Order Fixing the Amount, Time, and Place for Redemption**, but the order lacked a designated contact person or official title and failed to establish any clear mechanism for verifying recipient identity (**Pa46–Pa48**). The **redemption amount was listed as \$33,019.61**, but the certificate provided no **itemized breakdown of charges**, no **currency symbols**, and no **indication of payment authentication**.

On **July 12, 2022**, the Borough of Sayreville Tax Collector certified that **no party appeared or redeemed** the property by the deadline (**Pa58**). On that basis, a **Final Judgment** was entered on **August 31, 2022**, vesting title in Blitei LLC and foreclosing Harinder Singh and other named parties from any right of redemption (**Pa57–Pa60**).

On **October 3, 2024**, Appellant moved to **vacate the default and default judgment**, arguing **defective service, lack of standing, failure to serve co-title holders**, and **jurisdictional errors**, including the absence of a **Notice of Intent to Foreclose** under **N.J.S.A. 54:5-97.1** (**Pa61–Pa62**). The motion included documentation pointing out contradictory process server statements: one claiming **personal service**, another claiming substitute service on an alleged "wife Haris sing," without evidence of the person's identity or relationship (**Pa61**). No green

card or certified mailing receipt was produced in support of service on Harinder Singh or other parties.

Appellant also pointed out that the **summons issued in the case was procedurally improper**, having been signed by private counsel in the name of the Clerk of the Superior Court, with **no court-issued hyperlink or visible summons on the docket**, violating **Rules 1:9-1 and 4:4-1**.

In addition, Appellant submitted a **New Jersey Business Name Search** showing **no registration** or lawful authority for **Blitei LLC** to operate or sue in the state (**Pa69**). No assignment documents evidencing a valid transfer of the tax certificate to Blitei LLC were provided.

The trial court **denied the motion to vacate on October 25, 2024**, citing **Rule 4:50-1** timing restrictions and concluding that the motion was not filed within one year of judgment (**Pa66–Pa68**). The court **did not address the jurisdictional or due process defects** raised by Appellant, nor did it hold an evidentiary hearing.

ARGUMENT

POINT I

THE DEFAULT JUDGMENT IS VOID DUE TO DEFECTIVE SERVICE AND LACK OF JURISDICTION.

(Pa61–Pa62; Pa66–Pa68)

A default judgment obtained without valid service of process is **void** and must be vacated as a matter of law. *Rule 4:50-1(d)* authorizes vacatur when a judgment is void, and New Jersey courts have repeatedly held that a judgment entered **without proper service** violates due process and lacks jurisdiction. See *Perkins v. Charles Pfizer & Co., Inc.*, 221 N.J. Super. 391, 400 (App. Div. 1987); *Berger v. Paterson Veterans Taxi Serv.*, 244 N.J. Super. 200, 204 (App. Div. 1990).

Here, the **Affidavit of Service** contains **facially inconsistent and unverified assertions**. One section claims Harinder Singh was personally served. Another states that a **female named “Haris sing”**—allegedly Singh’s wife—was served instead (**Pa61**). These claims are contradictory and **unsupported by any documentation**, such as identification, photograph, or proof of relationship. No green card or certified mail record is present. The court failed to hold a **hearing** or

require Plaintiff to reconcile these inconsistencies, in violation of *Rule 4:4-4* and due process.

Because valid service is a **prerequisite to personal jurisdiction**, the judgment entered is void and must be vacated under *Rule 4:50-1(d)*.

POINT II

THE TRIAL COURT ERRED BY DENYING RELIEF UNDER RULE 4:50-1(a) AND (f), DESPITE UNDISPUTED DEFECTS AND A LACK OF NOTICE.

(Pa61–Pa62; Pa66–Pa68)

The court denied Appellant’s motion to vacate default by citing untimeliness under *Rule 4:50-1(a)*. However, it **ignored the threshold showing of improper service**—which, if established, **removes the one-year bar entirely** because the judgment is not merely voidable but void. *Rule 4:50-2* only applies to claims under subsections (a)–(c); where the defect is jurisdictional, a motion may be brought **“within a reasonable time”** under (d) or (f).

Even assuming the motion was governed by (f), Appellant demonstrated **“exceptional circumstances”**, including:

- Contradictory affidavit of service (**Pa61**),
- No **Notice of Intent to Foreclose** served under *N.J.S.A. 54:5-97.1*,
- **Summons signed by private counsel**, not court clerk (**Pa62**),
- No opportunity to inspect charges or redeem (**Pa46–Pa48**).

The trial court’s blanket denial, without addressing these defects, was **an abuse of discretion**. See *Mancini v. EDS ex rel. N.J. Auto. Full Ins. Underwriting Ass’n*, 132 N.J. 330, 334 (1993) (relief under (f) is appropriate where enforcement would be inequitable or unjust).

POINT III

**PLAINTIFF FAILED TO PROVE STANDING OR CAPACITY TO SUE,
RENDERING THE JUDGMENT A NULLITY.**

(Pa69)

The complaint was filed and prosecuted by **Blitei LLC**, allegedly as assignee of US Bank Cust for Actlien Holding. However, the record contains **no copy of a valid assignment**. Furthermore, Appellant submitted a **New Jersey Division of Revenue Business Search** showing that **Blitei LLC is not registered** to do business in the state (**Pa69**). New Jersey law requires that foreign LLCs register

with the Division of Revenue before they may **maintain a legal action** in court.

See *N.J.S.A. 42:2C-55(a)*; *N.J.S.A. 14A:13-11*.

A party without legal existence or capacity **lacks standing**, and any judgment obtained in its name is void ab initio. See *N.J. Democratic Party, Inc. v. Samson*, 175 N.J. 178, 194 (2002).

The trial court never required Plaintiff to prove standing or its capacity to sue. This omission is reversible error.

POINT IV

**THE CERTIFICATE OF SALE AND REDEMPTION NOTICE WERE
FATALLY DEFECTIVE AND DENIED DUE PROCESS.**

(Pa46–Pa48; Pa57–Pa60)

The **Certificate of Sale** contained **no authenticated proof of payment**, no date, and no indication of who paid whom, how the lien was acquired, or whether any redemption right remained. The document lacks currency symbols or written terms, raising the inference that **no valid financial transaction occurred (Pa57–Pa60)**.

The **Order Fixing the Amount, Time, and Place for Redemption** listed a deadline and amount due (**\$33,019.61**) but failed to name any **responsible party** or method for verifying payment or confirming compliance (**Pa46–Pa48**). This violates basic due process requirements and effectively made redemption impossible.

Failure to provide a clear redemption process—especially in a **strict foreclosure proceeding**—denies property owners their constitutional right to be heard. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

POINT V

THE SUMMONS WAS INVALID, BREAKING THE CHAIN OF NOTICE AND DEPRIVING THE COURT OF JURISDICTION.

(Pa62)

The summons in this case was **not signed by a court official**, nor did it include a functioning hyperlink, court contact information, or any clerk identification.

Instead, it was **signed by Plaintiff’s private attorney “for the Clerk”**—a procedure **only permitted for pro se litigants** under *Rule 1:9-1* and *Rule 4:4-1*.

Appellant conducted a full review of the eCourts docket and found **no summons document accessible to the public**, further confirming the breakdown in required notice (**Pa62**). This defect rendered the case improperly initiated and the judgment void for lack of jurisdiction.

CONCLUSION TO ARGUMENT

Each of the above defects is **independently fatal** to the foreclosure judgment. In totality, they represent a gross violation of **due process, jurisdictional rules**, and the **equitable nature of tax foreclosure law**. The trial court's failure to hold a hearing, address these defects, or weigh the equities demands reversal.

X 

7/20/2025

BLITEI, LLC	:	SUPERIOR COURT OF NEW JERSEY
	:	APPELLATE DIVISION
Plaintiff/Respondent	:	
	:	DOCKET NO. A-001274-24
vs.	:	
	:	ON APPEAL FROM:
HARINDER SINGH; RAYMOND J.	:	
PRESNAL, his heirs, devisees and	:	SUPERIOR COURT OF NEW JERSEY
personal representatives and their or any	:	MIDDLESEX COUNTY
of their successors in right, title and	:	CHANCERY DIVISION
interest; JP MORGAN CHASE BANK	:	
NA; SIMREN REALTY LLC;	:	Docket No.: F-5667-21
DAVINDER SINGH; STATE OF NEW	:	
JERSEY; MIDLAND FUNDING LLC;	:	SAT BELOW:
BELINDA M COMBS; RAYMOND C.	:	HON. THOMAS DANIEL MCCLOSKEY,
PRESNAL, heir to Raymond J. Presnal,	:	J.S.C.
his heirs, devisees and personal	:	
representatives and their or any of their	:	
successors in right, title and interest;	:	
ROMA J. BARTOS f/k/a ROMA J.	:	
PRESNAL ARAZY, heir to Raymond C.	:	
Presnal; CAROL PRESNAL a/k/a	:	
CAROL FORSYTHE PRESNAL, heir to	:	
Raymond C. Presnal; LORRAINE	:	
ONGARO, heir to Raymond C. Presnal;	:	
GREGORY E. PRESNAL, heir to	:	
Raymond C. Presnal; and ERIC R.	:	
PRESNAL, heir to Raymond C. Presnal	:	
	:	
Defendant/Appellant	:	
	:	

BRIEF OF PLAINTIFF/RESPONDENT BLITEI, LLC

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PRELIMINARY STATEMENT

The Plaintiff in the within appeal acquired title to a vacant property from a Final Judgment of tax foreclosure entered on August 31, 2022. The Defendant, whose wife undeniably accepted personal service of the Summons and Complaint at the address where Defendant concedes he resides, did not file a motion to vacate the Final Judgment for 26 months after he was served with the entered Final Judgment, despite his filings of various correspondence in the foreclosure action commencing on October 15, 2022.

The Defendant thereafter sought relief from the 2 year old Final Judgment before the trial court wherein he made various allegations of medical hardship and complaints about personal jurisdiction, which are not presented to the Court in the within appeal. The trial court declined to provide the Defendant with relief from the Final Judgment, describing his request both procedurally and substantively deficient (Pa144). Despite the foregoing, the Defendant filed the instant appeal wherein he raised baseless arguments for the first time. The Defendant has never alleged an intention or ability to redeem the Tax Lien and make the Plaintiff whole if he were provided relief from the now three (3) year old Final Judgment. As such, the trial court did not abuse its discretion, and the Final Judgment should remain intact.

STATEMENT OF FACTS AND PROCEDURAL HISTORY¹

On May 22, 2017, Harinder Singh (“Defendant”) acquired title to the real property located at 37 Quaid Street, Sayreville, New Jersey, Block 156, Lots 20, 21 (the “Property”). It appears that the Defendant immediately neglected his real estate tax obligations for the Property. On October 24, 2019, US Bk Cust for Actlien Holding (“Actlien”) purchased tax sale certificate no. 19-00048 (the “Tax Lien”) from the Borough of Sayreville tax collector. (Pa1). The Tax Lien is secured by the Property and includes real estate taxes, water, and sewer charges for 2018. (Pa1). The Tax Lien was thereafter assigned to Blitei LLC (“Plaintiff”)². (Pa2). It does not appear that the Defendant has paid any real estate taxes for the Property since the Plaintiff’s purchase of the Tax Lien eight (8) years ago. (Pa4).

The Plaintiff paid a premium in the sum of \$14,000.00 (the “Premium”) to purchase the Tax Lien. (Pa1). A premium is a refundable monetary sum paid by a tax lien purchaser to a tax collector. N.J.S.A. § 54:5-33.³ The tax

¹ The Statement of Facts and Procedural History are combined to avoid repetition, for clarity, and for the convenience of the Court.

² Actlien and Blitei, LLC shall hereinafter collectively be referred to as “Plaintiff”.

³ N.J.S.A. § 54:5-33 states “Any premium payment shall be held by the tax collector and returned to the purchaser of the fee if and when redemption is made. If redemption is not made within five years from the date of the sale the

collector holds the premium in escrow and returns it to the purchaser when the lien is redeemed. See id. If the tax lien is not redeemed within five years of the sale, the tax lien holder forfeits the premium and it becomes part of the municipal funds. Id. On October 1, 2021, the Defendant was served with a pre-foreclosure notice by way of certified mail at 10 Unkel Court, Sayreville, New Jersey 08872, where he resides. (Pa15). The certified mail was returned marked “unclaimed”. (Pa20).

On November 9, 2021, the Plaintiff filed a Complaint for foreclosure of the Tax Lien in the Superior Court of New Jersey, Chancery Division, which bears the above docket number (the “Foreclosure Proceedings”). The Plaintiff sent service of the Summons and Complaint to the Property at the outset of the Foreclosure Proceedings; however, the process server executed an affidavit stating that the Property was vacant and wide open, the front door was off, and that the windows were broken. (Pa24). Thus, the Defendant was neglecting his duty to maintain the Property in addition to his real estate tax obligations. (Pa4, Pa24).

premium payment shall be turned over to the treasurer of the municipality and become part of the funds of the municipality.”

According to the Borough of Sayreville, the tax bills for the Property were mailed to the Defendant at 10 Unkel Ct., Sayreville, NJ 08872. (Pa27). A computerized skip trace was conducted for the Defendant. The results disclosed a current address of 10 Unkel Ct., Sayreville, NJ 08872. (Pa29). On November 15, 2021, a female individual named Harish Singh accepted service of the Summons and Complaint at 10 Unkel Court and identified herself to the process server as the Defendant's wife. (Pa8). The process server made an error when executing the affidavit of service wherein he inadvertently checked the box stating that the Defendant was personally served, rather than attesting that the Summons and Complaint was left with a household member residing therein with the Defendant. (Pa6). The process server has executed a certification explaining his clerical error, and has provided a revised affidavit of service. (Pa6).

The Defendant has not denied or disputed that he resides at 10 Unkel Ct., nor has he certified or alleged that he was not married and did not reside with an individual named Harish Sing at such address. In addition, a postal forwarding request was made through the Borough of Sayreville post office. The Postmaster confirmed that the Defendant receives mail at 10 Unkel Ct., where he was served. (Pa41).

On April 21, 2022, Plaintiff file a motion for entry of order setting date, time, place, and amount of redemption (“OST Motion”) and served the Defendant with same by way of first class and certified mail, return receipt requested. (Pa43). The certified mail was signed for on April 23, 2022. (Pa45). The first class mail was not returned. The OST was entered on May 13, 2022, which set July 12, 2022 as the last date to redeem the Tax Lien. The Defendant was served with the entered OST on June 22, 2022 by way of first class and certified mail, return receipt requested. (Pa47). The certified mail was returned marked “unclaimed”; however the first class mail was not returned. (Pa51).

On July 29, 2022, the Plaintiff filed a motion to substitute plaintiff and a motion for final judgment and served the Defendant with same at 10 Unkel Ct. where he resides. (Pa53). On August 31, 2022, the Final Judgment was entered, thereby vesting Plaintiff with title to the Property. (Pa60). The Defendant was served with the Final Judgment on September 1, 2022 at 10 Unkel Ct. where he resides. (Pa56). A certification of service was filed on September 1, 2022. (Pa53).

On October 11, 2022, the Plaintiff received correspondence from the Defendant acknowledging his receipt of the Complaint and his knowledge of the Foreclosure Proceedings. (Pa65). On October 15, 2022, the Defendant filed

a document entitled, “Motion to Dismiss for Plaintiff failure to state a claim” wherein he referred to the Complaint and made various legal arguments, but did not contest his receipt of service of process. (Pa67). In addition, on October 15, 2022, the Defendant filed opposition to the motion for final judgment. (Pa76). The Defendant’s October 15, 2022 filings received a deficiency notice from the Office of Foreclosure for failure to pay the requisite filing fee and because there was no motion pending by the Plaintiff for the Defendant to object. (Pa78).

On October 25, 2022, the Defendant filed correspondence entitled “Notice”. (Pa81). Although the purpose of such notice is unclear, the Defendant did not contest his receipt of the Summons and Complaint or otherwise dispute his receipt of service of process in the Foreclosure Proceedings. (Pa81). The Defendant’s October 25, 2022 Notice received a deficiency notice from the Office of Foreclosure because it was filed on JEDS by “H Guy” who is not a party to the case and because the name of the person signing the document was not apparent. (Pa83).

On October 3, 2024, the Defendant filed a motion to vacate final judgment wherein he appeared to challenge the affidavit of service based on

the process server's clerical error.⁴ (Pa131). The proposed form of order submitted by the Defendant requested that the Final Judgment be vacated and that the Foreclosure Proceedings be dismissed. (Pa131). In addition, the motion did not contain a certification from the Defendant's wife regarding her receipt of the Summons and Complaint, nor had the Defendant disputed his receipt of such documents, his relationship with Harish Singh, or his knowledge of the Foreclosure Proceedings and the Final Judgment since it was entered more than two (2) years ago on August 31, 2022. (Pa131). On October 25, 2024, the Court denied Defendant's motion to vacate the Final Judgment and held that there was no cognizable basis upon which relief from the Final Judgment could be granted under any subsection of R. 4:50-1. (Pa124).

On November 4, 2024, the Defendant filed a motion for reconsideration wherein he appeared to seek reconsideration of the October 25, 2024 Order. (Pa132). Although the motion lacked a certification from the Defendant in violation of R. 1:6-2 and R. 1:6-6⁵, it appeared that the Defendant requested

⁴ The name of the JEDS filer for the subsequent motions was "H Guy" analogous to the Defendant's prior filings from 2022.

⁵ R. 1:6-2 sets forth the requirements for a motion and provides, in pertinent part, "If the motion or response thereto relies on facts not of record or not subject of judicial notice, it shall be supported by affidavit made in compliance with R. 1:6-6". In addition, R. 1:6-6 requires that statements based on facts not appearing of record or not judicially noticeable be made on affidavits made on

that the 2 year old final judgment be vacated as a result of uncertified and undocumented medical conditions. (Pa132). In addition, the motion made a vague reference to a request for just compensation under the Takings Clause, which was not supported with an appraisal of the Property and grossly misrepresented the amounts due and owing Plaintiff. (Pa132). On December 6, 2024, the trial court entered an order denying Defendant's motion for reconsideration and held the following, "[t]o the extent, insofar as it is comprehensible, the motion is borderline frivolous, if not sanctionable." (Pa127; Pa141).

On or about December 26, 2024, the Defendant filed the instant appeal with regard to the following: (1) order to substitute Plaintiff entered on August 12, 2022, (2) Final Judgment entered on August 31, 2022, (3) order denying Defendant's motion to vacate Final Judgment entered on October 25, 2024 and (4) the order denying Defendant's motion for reconsideration entered on December 6, 2024.

personal knowledge, setting forth only facts which are admissible in evidence. The attempted presentation of facts which are neither of record, judicially noticeable, nor stipulated, by way of statements of counsel is egregious and does not constitute cognizable facts. See Gonzalez v. Ideal Tile Importing Co., 371 N.J. Super. 349, 358 (App. Div. 2004), aff'd 184 N.J. 415 (2005).

The Plaintiff has incurred substantial costs and expenses in repairing, renovating, and insuring the Property during its years of ownership in the sum of \$223,600.08. (Pa5). As of October 16, 2024, the Plaintiff was owed the sum of \$78,420.75 with regard to the Tax Lien and a return of the Premium. (Pa4). In addition, Plaintiff incurred attorney's fees and costs with regard to the Foreclosure Proceedings and defending the prior motion in the sum of \$7,442.80. (Pa13). The Plaintiff's attorney's fees have continued to increase as a result of the Defendant's filing of the motion for reconsideration and the instant appeal. Thus, the total amount required to make the Plaintiff whole if the Final Judgment were vacated exceeds the sum of \$309,463.63. (Pa13). However, neither the Defendant's motions below nor the instant appeal so much as allege that he would be ready, willing, and able to immediately redeem the Tax Lien and make Plaintiff whole if the Final Judgment were vacated. In light of the foregoing, and for the reasons set forth hereinbelow, the orders entered by the trial court should be affirmed.

LEGAL ARGUMENT

I. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION BECAUSE THE DEFENDANT’S MOTION TO VACATE FINAL JUDGMENT WAS UNTIMELY PURSUANT TO R. 4:50-2.

A trial court’s determination and its decision will be left undisturbed, absent a clear abuse of discretion. Deutsche Bank Trust Co. Ams v. Angeles, 428 N.J. Super. 315, 319 (App. Div. 2012). An abuse of discretion occurs when a decision is “made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis.” Iliadis v. Wal-Mart Stores, Inc., 191 N. J. 88, 123, 922 A.2d 710 (N.J. 2007) (quoting Flagg v. Essex Cnty. Prosecutor, 171 N.J. 561, 571, 796 A.2d 182 (N.J. 2002)).

In the instant matter, the trial court did not abuse its discretion by denying the motion to vacate final judgment and the motion for reconsideration because the Defendant failed to seek timely relief from the Final Judgment. As such, the Defendant’s motion was untimely pursuant to R. 4:50-2, which provides that a motion to vacate a final judgment, “shall be made within a reasonable time, and for reasons (a), (b) and (c) of R. 4:50-1 not more than one year after the judgment, order or proceeding was entered or taken.” R. 4:50-2. The totality of the circumstances must be considered when deciding whether a motion was made within a reasonable time. Moore v.

Hafeeza, 212 N.J. Super. 399 (Ch. Div. 1986). The time limitation applies even when subsection (d) is invoked. See Citibank, N.A. v. Russo, 334 N.J. Super. 346, 353 (App. Div. 2000). For subsections for which the rule sets one year as the outer limit, a lesser day may be unreasonable if it is inexplicable. See Romero v. Gold Star Distrib., LLC, 468 N.J. Super. 274, 282 (App. Div. 2021)(delay of less than one year was unreasonable where the defendant knew of the judgment); Jackson Constr. Co. v. Ocean Twp., 182 N.J. Super. 148, 152 (Tax Ct. 1981)(nine-month delay unreasonable where movant could not demonstrate reason for delay).

Furthermore, the doctrine of laches “is invoked to deny a party enforcement of a known right when the party engages in an inexcusable and unexplained delay in exercising that right to the prejudice of the other party.” Knorr v. Smeal, 178 N.J. 169, 180-81, 836 A.2d 794 (2003). Laches is an equitable defense utilized when the delaying party had sufficient opportunity to assert the right in the proper forum. Id. at 181. The policy behind laches is to discourage stale claims. Township of Morris v. Fauver, 130 N.J. 80, 105 (1998). Some of the factors that should be addressed by the Court are: “length of the delay; reasons for the delay; and changing conditions of either or both

parties during the delay." Id. The central issue is whether a party acting in good faith has been harmed by the delay. Knorr v. Smeal, 178 N.J. at 800.

In this case, the Defendant's sizeable delay precludes vacation of the final judgment. It is undeniable that the Defendant was aware of the Final Judgment since the Plaintiff served him with same on September 1, 2022. Additionally, the Defendant's October 15, 2022 filings reference the Final Judgment, but the Defendant did not seek relief from the Final Judgment for more than 2 years thereafter. The 26-month delay between the Defendant's receipt of the Final Judgment and the filing of the motion to vacate the Final Judgment is unexplained and must be dispositive.

Further, since the Defendant waited years to seek relief from the Final Judgment, the Plaintiff made substantial improvements and incurred costs in the sum of \$233,600.08 to rehabilitate the Property, in addition to staying current on the real estate taxes, insurance costs, utilities, and other charges. The Plaintiff reasonably relied on the Defendant's inaction. Thus, when the length of Defendant's delay is considered in combination with the Plaintiff's sizable investment into the Property, the trial court did not abuse its discretion by denying the motion.

II. THE FINAL JUDGMENT IS NOT VOID PURSUANT TO R. 4:50-1(d) BECAUSE SERVICE WAS PROPER.

Despite the uncertified arguments set forth by the Defendant, the Final Judgment is not void pursuant to R. 4:50-1(d) as there is extensive evidence that Plaintiff served the Defendant with the Summons and Complaint, and with all pleadings and notices as enumerated hereinabove. Consequently, the Final Judgment is valid. Success on motions to vacate final judgments pursuant to R. 4:50-1(d) derive from defective service of process or other violations of the due process rights of the defendant. In cases involving defective service of process, judgment debtors often seek relief from the judgment pursuant to Section (d) of Rule 4:50-1 which provides:

On motion, with briefs, and upon such terms as are just, the court may relieve party or the party's legal representative from a final judgment or order for the following reasons:... (d) the judgment or order is void.

R. 4:50-1(d).

Pursuant to R. 4:4-4(a)(1), the primary method of obtaining in personam jurisdiction over a defendant is by service on a competent individual of the age of 14 or over, by delivering a copy of the summons and complaint to the individual personally, or by leaving a copy thereof at the individual's dwelling place or usual place of abode with a competent member of the household of the

age of 14 or over residing therein, or by delivering a copy thereof to a person authorized by appointment or by law to receive service of process on the individual's behalf. R. 4:4-4(a)(1).

Furthermore, the filing of an affidavit of service as part of the record raises a presumption that the facts recited therein are true. Garley v. Waddington, 177 N.J. Super. 173, 180 (App. Div. 1981); Intek Auto Leasing v. Zetes Microtech Corp., 268 N.J. Super. 426, 433 (App. Div. 1993); Goldfarb v. Roeger, 54 N.J. Super. 85, 90 (App. Div. 1959); City of Newark v. GML, LLC, No. A-1939-22 (N.J. App. Div. Oct. 16, 2024). Where the affidavit of service facially indicates compliance with the pertinent service rule, it is prima facie evidence that service was proper. Garley, supra, 177 N.J. Super. at 180.

Even if there is a defect in the notice, if it can be shown that the defendant had knowledge of the lawsuit, then the judgment will not be void. See Dynasty Building Corporation v. Laforge, 376 N.J. Super. 280, 285 (App. Div. 2005)(court held that despite the fact that the plaintiff failed to give notice of the entered default, a judgment was not void pursuant to Rule 4:50-1(d) because the defendant was aware of the nature of the lawsuit); Rosa v. Araujo, 260 N.J. Super. 458, 562 (App. Div. 1992)(court held that although the wrong person was served, a default judgment was not void pursuant to Rule

4:50-1(d) because defendant was aware of the nature of the lawsuit).

Further, “[w]here due process has been afforded a litigant, technical violations of the rule concerning service or process do not defeat the court’s jurisdiction.” Id. at 463. Thus, “not every defect in the manner in which process is served renders the judgment upon which the action is brought void and unenforceable.” Russo at 352. Importantly, “uncorroborated testimony of [a] defendant is alone is not sufficient” to refute the validity of the affidavit of service. Goldfarb v. Roeger, 54 N.J. Super. 85, 90 (App. Div. 1959).

In Poppy Holdings v. Ruslan Milov, this Court recently affirmed the trial court’s order denying defendants’ motion to vacate a final judgment of tax foreclosure where the affidavits of service contained errors. No. A-2549-22 (N.J. App. Div. Oct. 2, 2024)(Pa85). In that case, the process server executed two affidavits dated August 23, 2021, which were erroneously notarized with an earlier date of June 23. Id. at *6. In holding that the evidence in the record was insufficient to refute the validity of service, despite the error on the affidavits of service, the Appellate Division opined that equity must be applied to plaintiffs as well as defendants in foreclosure matters. Id. at *20 (citing Deutsche Bank Tr. Co. Ams. v. Angeles, 428 N.J. Super. 315, 320 (App. Div. 2012)).

In the within matter, the Final Judgment is not void pursuant to Rule 4:50-1(d) because service was properly made on the Defendant throughout the litigation at the address where he resides. In fact, the Defendant has not set forth an alternative address upon which he could have been served in accordance with Court Rules. Instead, he made the erroneous request to the trial court that the then 26-month old Final Judgment should be vacated simply because of a ministerial error on the affidavit of service. Yet, it is undisputed that that the Defendant's wife accepted service of process at the Defendant's principal place of abode as a household member residing therein pursuant to R. 4:4-4. Of course, the Defendant's filings in 2022 immediately after entry of the Final Judgment further demonstrate his receipt of the Summons and Complaint years ago since the Complaint was referenced therein. As such, the Defendant has clearly failed to rebut the prima facie presumption of the validity of service by clear and convincing evidence. Consequently, the Final Judgment was not void for lack of service of process.

Lastly, the Defendant's argument that the Plaintiff did not serve a pre-foreclosure notice is false and does not provide a basis upon which he could be relieved from the Final Judgment. As previously stated, the Defendant was served with a pre-foreclosure notice by way of certified mail at 10 Unkel

Court, Sayreville, New Jersey 08872, where he resides on October 1, 2021. The certified mail was returned marked “unclaimed”. Notwithstanding the foregoing, and unlike in an action to foreclose a mortgage, service of a pre-foreclosure notice in a tax foreclosure is simply a prerequisite to obtain statutory fees and costs. See N.J.S.A. 54:5-97.1. Here, the Defendant did not redeem the Tax Lien, did not pay statutory fees and costs, and has never indicated that he desires to pay any monies if the Final Judgment were vacated. As such, the Defendant’s argument is wholly irrelevant since he did not pay any statutory fees due and owing the Plaintiff. Thus, his assertion that the Final Judgment is void because of his allegation that Plaintiff failed to comply with N.J.S.A. 54:5-97.1 is false and could never provide a mechanism upon which the Final Judgment is vacated. As such, the orders entered by the trial court should be affirmed.

III. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION BECAUSE THERE ARE NO EXCEPTIONAL CIRCUMSTANCES UPON WHICH THE DEFENDANT CAN OBTAIN RELIEF FROM THE FINAL JUDGMENT PURSUANT TO R. 4:50-1(f).

In addition to the foregoing, the orders entered by the trial court should be affirmed pursuant to R. 4:50-1(f) because there are no exceptional circumstances which would provide a basis upon which the Final Judgment could be vacated. As a preliminary matter, a subsection (f) movant must

demonstrate a meritorious defense. Shulwitz v. Shuster, 27 N.J. Super. 554, 561 (App. Div. 1953)(a meritorious defense is required so “[t]he time of the courts, counsel and litigants [is] not ... taken up by ... a futile proceeding”). Here, the Defendant has not asserted a meritorious defense that would enable the Court to consider providing the Defendant relief from the Final Judgment. Again, the Plaintiff would be owed the approximate sum of \$309,463.63 to make it whole if the Final Judgment were vacated. However, the Defendant has never alleged or demonstrated that he has sufficient funds to redeem the Tax Lien and make the Plaintiff whole if the Final Judgment were vacated.

In addition to the requirement that a movant demonstrate a meritorious defense, in order to obtain relief under subsection (f), the movant must demonstrate that the circumstances are exceptional and that enforcement of the judgment would be unjust, oppressive, or inequitable. Nowosleska v. Steele, 40 N.J. Super. 297, 303 (App. Div. 2008). The following factors should be considered in determining whether exceptional circumstances warrant relief from the final judgment: (1) the extent of the delay in making the application; (2) the underlying reason or cause; (3) the fault or blamelessness of the litigant; and (4) the prejudice that would occur to the other party. Parker v. Markus, 281 N.J. Super. 589, 59-94 (App. Div. 1995).

In this case, the Final Judgment was entered years ago on August 31, 2022. The Defendant did not seek relief from the Final Judgment until October 3, 2024. The unjustified delay in making the application weighs against vacating the final judgment. Further, the “underlying reasons or cause” of the Defendant’s failure to respond to the Summons and Complaint was wholly absent from the motions before the trial court and is likewise not articulated before this Court. Instead, it appears that the Defendant abandoned his interest in the Property by failing to pay real estate taxes or municipal charges for the duration of his ownership. Likewise, the Defendant permitted the Property to remain unoccupied, with the door open and windows broken prior to and during the foreclosure proceedings. Thus, the “reason or cause” for the delay weighs against vacating the Final Judgment pursuant to R. 4:50-1(f). Likewise, the “fault or blamelessness” of the Defendant is glaring as set forth hereinabove since the Defendant failed to pay years of taxes and ignored the many mailings and pleadings received throughout the Foreclosure Proceedings.

Lastly, consideration of the prejudice that would occur to the Plaintiff if the Final Judgment were vacated requires that the motion be denied. The Defendant inexplicably failed to challenge the Final Judgment for 26 months. In contrast, the Plaintiff has incurred substantial rehabilitation and carrying

costs with respect to the Property. Accordingly, the trial court did not abuse its discretion because the Defendant's motions were appropriately denied as untimely and without merit.

Finally, an order vacating the Final Judgment would violate the express purpose of the Tax Sale Law and create uncertainty with regard to real estate title. The marketability of the title that a tax foreclosure produces is essential to the entire process created by the Tax Sale Act. If tax lien holders cannot count on marketable title, they will be less willing to invest in tax liens, thereby harming the municipality. The express policy of the Tax Sale Act, which has been validated by the New Jersey Supreme Court and the Appellate Division of the Superior Court of New Jersey, (1) is to aid municipalities in raising revenue, and (2) is to be liberally construed so as to bar the right of redemption, not to preserve it, the goal being that marketable titles to property are secured. Bron v. Weintraub, 42 N.J. 87, 91 (1964).

As such, the state has an "essential state governmental interest in enforcing the tax foreclosure law." Bascom v. Chase Manhattan Bank, 363 N.J. Super. 334, 342 (App. Div. 2003). The security of title to "real estate involves an essential state interest and the power to ensure that security inheres in the very nature of state government." Id. If investors cannot count on

marketable title, they will be less willing to invest in tax liens, thereby harming the municipality.

Here, the Plaintiff swiftly moved to foreclose on the Property and invested substantial funds to rehabilitate same, thereby drastically improving the neighborhood in which the Property sits and providing a meaningful improvement to the Borough of Sayreville and its residents. If final judgments are vacated too liberally, it will surely discourage Plaintiff from devoting resources to rehabilitate properties that have been neglected due to foreclosure. In fact, during its short time as owner of the Property, Plaintiff made meaningful improvements to the unoccupied Property as detailed more fully herein and in the Certification of Plaintiff. Conversely, the Defendant allowed the Property to remain tax delinquent and failed to seek relief from the Court, without explanation, for years after entry of the Final Judgment. Thus, in order to maintain the integrity of final judgments in tax foreclosure actions, the trial court's orders should be affirmed.

IV. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION BECAUSE THE PLAINTIFF HAD STANDING TO FORECLOSE THE TAX LIEN AND THE SUMMONS WAS NOT INVALID.

A. The Orders Entered by the Trial Court Should be Affirmed Because Defendant's Arguments Related to Standing, the Tax Lien, and the Summons were not Raised Below.

As a preliminary matter, the Court should decline to consider the Defendant's argument that the Plaintiff lacked standing to enter the Final Judgment because it was not argued below. Generally an appellate court will not consider issues which were not raised below. State v. Galicia, 210 N.J. 364, 383 (2012). In order for a new issue to be considered on appeal, the appellant would have to show it's a true constitutional issue, or a matter of real public importance. Without that, review will normally be denied. Deerfield Estates, Inc. V. E Brunswick, 60 N.J. 115, 120 (1972). Issues not raised below, even constitutional issues, are not to be considered on appeal, unless they are jurisdictional in nature, or substantially implicate public interest. State v. Harris, 209 N.J. 431, 445 (2012).

In this case, the Defendant never challenged the Plaintiff's standing, the validity of the Tax Lien, or the validity of the Summons below. Thus, the Court should decline to consider the Defendant's arguments for the first time at this juncture. Notwithstanding the foregoing, the Plaintiff and its predecessor in interest are registered to conduct business within the State of New Jersey, the Tax Lien is valid, and the Summons was issued in compliance with R. 4:4-1 and R. 4:4-2 as set forth more fully hereinbelow. As such, the orders entered by the trial court should be affirmed.

B. The Plaintiff and its Predecessor in Interest Had Standing to Prosecute the Foreclosure Action.

Standing is governed by R. 4:26-1, which requires that actions be prosecuted by a real party in interest. R. 4:26-1. Specifically, standing requires that a litigant have a sufficient stake in the matter and real adversariness, with a substantial potential for real harm flowing from the outcome of the case. In re New Jersey Bd. Of Public Utilities, 200 N.J. Super. 544, 556 (App. Div. 1985). Courts take a generous view of standing. In re New Jersey State Contract, 422 N.J. Super. 275, 289 (App. Div. 2011). A financial interest in the outcome of the litigation is sufficient to confer standing. Fairfax Finanical v. S.A.C. Cap., 450 N.J. Super. 1, 103 (App. Div.), certif. den. 231 N.J. 99 (2017).

In the instant matter, the Tax Lien was purchased by Actlien Holding. US Bank served as the Custodian for Actlien Holding. Thus, the Complaint was filed with the original plaintiff designated as US Bank Cust for Actlien Holding. Actlien Holding has been registered to conduct business within the State of New Jersey since October 22, 2013, which is years before the date of the Tax Lien. (Pa120). US Bank is an active bank which is regulated and insured by the Federal Deposit Insurance Corporation and was established on July 13, 1863, prior to the sale of the Tax Lien (Pa123).

On July 14, 2022, the Tax Lien was sold to Blitei LLC. A motion to substitute Plaintiff was filed and the Defendant was served with same. The motion to substitute Plaintiff contained the assignment of the Tax Lien. Blitei LLC is an entity which has been registered to conduct business within the State of New Jersey since May 1, 2017. (Pa117).

In this case, the Defendant falsely argues that the record does not contain a copy of a valid assignment, and that the Plaintiff is not registered to conduct business in New Jersey. However, both the Plaintiff and its predecessor in interest are registered to conduct business in New Jersey, and the record contains a notarized and valid copy of the assignment of Tax Lien in favor of the Plaintiff. Further, it is undisputed that the Plaintiff has a financial interest in the outcome of the litigation since the Final Judgment was entered in favor of the Plaintiff, who now owns the Property. Thus, the Plaintiff had standing to enter the Final Judgment and the orders entered by the trial court should be affirmed.

C. The Defendant is Barred from Disputing the Validity of the Tax Lien Pursuant to N.J.S.A. 54:5-52.

As a preliminary matter, the Defendant's sporadic grievances regarding the validity of the Tax Lien are difficult to decipher. However, N.J.S.A. 54:5-52, bars any defense by the Defendant due to the passage of two years from the

tax sale in question. The section provides that

[t]he certificate of sale shall be presumptive evidence in all courts in all proceedings by and against the purchaser, his representatives, heirs, and assigns of the truth of the statements therein, of the title of the purchaser to the land therein described, and the regularity and validity of all proceedings had in reference to the sale. After two years from the record of the certificate of sale, no evidence shall be admitted in any court to rebut the presumption, unless the holder thereof shall have procured it by fraud, or had previous knowledge that it was fraudulently made or procured.

N.J.S.A. 54:5-52. Because more than two years have passed since the sale of the Tax Sale Certificate, the Defendant is barred from disputing its validity.

Additionally, the Defendant's theories related to the Tax Lien do not provide a basis upon which the orders entered by the trial court could be reversed since the amount due and owing with regard to the Tax Lien is determined by the Borough of Sayreville tax collector, and not the Plaintiff,

N.J.S.A. 54:5-54, which provides, in relevant part:

the owner, his heirs, holder of any prior outstanding tax lien certificate, mortgagee, or occupant of land sold for municipal taxes, assessment for benefits pursuant to R.S.54:5-7 or other municipal charges, may redeem it at any time until the right to redeem has been cut off in the manner in this chapter set forth, by paying to the collector, ...

N.J.S.A. 54:5-54 (emphasis supplied). Thereafter, the tax collector forwards the redemption funds to the purchaser of the tax sale certificates in compliance with N.J.S.A. 54:5-57, as follows:

The collecting officer shall at once, on receipt of the redemption money, mail notice thereof to the purchaser, if his address can be ascertained, and shall pay all redemption moneys to him or his assigns on his surrender of the certificate of sale and compliance with the provisions of section 54:5-55 of this title.

The redemptive amount to be paid to the tax collector is set by N.J.S.A. 54:5-60, which provides “the amount required for redemption shall include all sums for subsequent taxes, municipal liens and charges, and interest and costs thereon, actually paid by the holder of the tax title or his predecessor therein, together with interest on the amount so paid....”.

As required by the aforementioned statutes, upon request, the Borough of Sayreville Tax Collector would have provided the Defendant with a redemption statement which would have reflected the current amount owed for the Tax Lien. Thus, to the extent that Defendant requested a redemption statement, any disagreement with respect to the amount to redeem would need to be raised with the Borough of Sayreville Tax Collector. Lastly, the OST specifically directed the Defendant to redeem the Tax Lien with the Borough of Sayreville tax collector. Again, the Defendant never indicated that he intended to redeem

the Tax Lien at any time to the trial court, and such allegation is noticeably absent from the instant appeal. Thus, the Defendant's grievances with regard to the Tax Lien and the redemption process, which are presented for the first time in this appeal, do not provide a basis upon which the orders entered by the trial court could be reversed.

D. The Summons was not Invalid.

The procedure for the issuance of a Summons is set forth in R. 4:4-1, which provides the following:

The plaintiff, the plaintiff's attorney or the clerk of the court may issue the summons. If a summons is not issued within 15 days from the date of the Track Assignment Notice, the action may be dismissed in accordance with R. 4:37-2(a). Separate or additional summonses may issue against any defendants.

R. 4:4-1. In addition, R. 4:4-2 requires that the face of the summons be in the form prescribed by Appendix XII-A to the New Jersey Court Rules. R. 4:4-2 additionally requires that it be in the name of the State, signed in the name of the Superior Court Clerk and directed to the defendant.

In the instant matter, the Defendant was served with a valid Summons in full compliance with R. 4:4-1 and R. 4:4-2. Notably, the Defendant has not disputed his receipt of the same. Further, a copy of the Summons the Defendant received was filed in the Foreclosure Proceedings on February 3,

2022. (Pa34). As such, the Defendant's dissatisfaction with the Summons contained in his argument presented to the Court for the first time in this appeal does not contain any merit. Consequently, the orders entered by the trial court should be affirmed.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Appellate Division uphold and affirm the following orders entered by the trial court: (1) the Order substituting Plaintiff entered on August 12, 2022, (2) the Final Judgment entered on August 31, 2022, (3) the order denying Defendant's motion to vacate Final Judgment entered on October 25, 2024 and (4) the order denying Defendant's motion for reconsideration entered on December 6, 2024.

Dated: 8/27/25

GARY C. ZEITZ, LLC



AMBER J. MONROE
Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

DOCKET NO. A-001274-24T4

CIVIL ACTION

BLITEI, LLC

Judge Office of Foreclosure Sat below

Defendants-Respondents.

V.

HARINDER SINGH; MR./MRS. SIGNH, SPOUSE OF HARINDER SINGH;
RAYMOND J PRESNAL, HIS HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES AND THEIR OR ANY OF THEIR SUCCESSORS IN
RIGHT, TITLE AND INTEREST; JP MORGAN CHASE BANK NA; SIMREN
REALTY LLC; DAVINDER SINGH; STATE

Plaintiff-Appellant,

BRIEF AND APPENDIX

FOR

APPELLANT HARINDER SINGH

HARINDER SINGH

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Pa80 – Summons issued by private counsel “for the Clerk,” never filed on eCourts docket.

Pa81 – Borough Tax Account Detail Inquiry (Sept. 9, 2025): confirms all 2017 quarterly taxes paid in full, in cash (\$5,160.56 total).

Pa82– August 3, 2024 Email from Appellant: written demand for redemption figures; no response from Borough Tax Collector.

PRELIMINARY STATEMENT

This appeal arises from a foreclosure judgment entered not by a Superior Court judge after trial, but by the administrative “Office of Foreclosure,” without any evidentiary hearing. The trial court later dismissed Appellant’s motion to vacate as “untimely” without addressing jurisdictional defects or holding the plenary hearing required where facts are contested.

The record reveals multiple unresolved, triable disputes, including:

1. **Contradictory affidavits of service** — one claimed personal service on Appellant, another claimed substitute service on a supposed “wife” who does not exist (Pa71–Pa72).
2. **Defective Notice of Intention to Foreclose (NOF)** — USPS tracking shows the certified mailing was “Label Created, Not Yet in System,” proving it was never mailed, despite Plaintiff’s claim that it was “returned unclaimed” (Pa73).
3. **Redemption efforts** — Appellant appeared at the Tax Collector’s office and followed up by email demanding redemption figures, but no response was provided (Pa74).

4. **Ownership contradictions** — Plaintiff claims title vested in 2022, yet Borough tax assessment records dated November 27, 2024 continue to list “Singh, Harinder” as owner (Pa75).
5. **Exaggerated rehabilitation costs** — Plaintiff claimed \$223,600 in expenses, including \$37,800 for windows, but Borough permits showed only \$130,280 in approved work, and the actual cost of eight windows is about \$754 (Pa76).
6. **Unsupported attorney’s fees** — Plaintiff demanded \$6,356.63 in attorney’s fees without lodestar calculation or judicial approval (Pa77).
7. **Unconstitutional taking of equity** — A \$7,846.99 certificate was leveraged to confiscate a home worth \$387,400, resulting in a \$309,000 windfall, the disproportionality condemned in *Tyler v. Hennepin County*, 598 U.S. 631 (2023) (Pa78).
8. **Break in chain of title** — The assignment covered only Lot 20, yet the judgment purported to extinguish rights in Lot 21 as well (Pa79).
9. **Defective summons** — Issued by private counsel “for the Clerk” and never visible on the docket (Pa80).
10. **False claims of tax delinquency** — Borough records prove Appellant fully paid 2017 taxes in cash, contradicting Plaintiff’s claim of immediate default (Pa81).

Each of these defects is jurisdictional and independently fatal. The trial court's refusal to address them rendered the judgment void.

This Court should vacate the judgment in its entirety, or at minimum remand for plenary hearing on these disputed issues.

PROCEDURAL HISTORY

On October 1, 2021, Plaintiff allegedly mailed a Notice of Intention to Foreclose. USPS records show only "Label Created, Not Yet in System," proving the notice was never mailed. No certified return receipt was produced (Pa73).

On April 21, 2022, the court entered an *Order Fixing Amount, Time, and Place for Redemption*, setting July 12, 2022 as the deadline. The Order failed to identify a responsible contact for redemption. Appellant appeared at the Tax Collector's office to redeem and followed up with a written request on August 3, 2024. No redemption figures were provided (Pa74).

On August 31, 2022, the court entered Final Judgment of Foreclosure by default in favor of Blitei LLC. The assignment relied on by Plaintiff transferred only Lot 20, not Lot 21, leaving a fatal break in chain of title (Pa79).

On October 3, 2024, Appellant filed a motion to vacate the judgment, citing lack of service, absence of NOF, defective summons, and lack of standing.

On October 25, 2024, the trial court denied the motion as “untimely” and refused relief under R. 4:50-1(f), without addressing the jurisdictional defects.

On April 15, 2025, Appellant filed a *Motion to Quash Summons and Vacate Default Judgment*. The trial court acknowledged the motion was on the calendar but declined to hear it because jurisdiction had shifted to the Appellate Division (Pa80).

This appeal followed.

STATEMENT OF FACTS

- The affidavits of service were contradictory: one claimed personal service, another claimed substitute service on a “wife.” No such wife exists (Pa71–Pa72).
- The NOF was never mailed; USPS records confirm it never entered the postal system. No green card was produced (Pa73).

- The redemption order fixed \$33,019.61 due but omitted contact information. Appellant appeared to redeem and later emailed a written request; no figures were given (Pa74).
- Ownership remained disputed; Borough assessment records in November 2024 still listed Appellant as owner (Pa75).
- Plaintiff's expense claims were inflated. Borough permits show \$130,280 in approved work, not \$223,600. Eight windows could be replaced for about \$754, not \$37,800 (Pa76).
- Plaintiff demanded \$6,356.63 in attorney's fees without judicial approval (Pa77).
- The foreclosure stripped away over \$300,000 in equity from a \$7,846.99 lien, violating *Tyler v. Hennepin County* (Pa78).
- The assignment covered only Lot 20, not Lot 21, creating a fatal defect (Pa79).
- The summons was improperly issued by private counsel "for the Clerk," with no record on the docket (Pa80).
- Borough tax records prove Appellant paid all 2017 property taxes in cash, contradicting Plaintiff's claims of delinquency (Pa81).

These facts show that the foreclosure was built on false affidavits, defective notices, and unconstitutional deprivation of property rights.

ARGUMENT

POINT I

PLAINTIFF FAILED TO ESTABLISH VALID SERVICE OF PROCESS, RENDERING THE JUDGMENT VOID.

Personal jurisdiction depends on valid service of process. R. 4:4-4(a)(1). If service is not proven by competent evidence, the judgment is void ab initio. *M & D Assocs. v. Mandara*, 366 N.J. Super. 341, 356 (App. Div. 2004).

The record here is riddled with contradictions and failures in Plaintiff's proof of service, each of which independently defeats jurisdiction.

I.A – Contradictory Affidavits of Service

The process server first swore that Appellant was personally served. Two years later, the same process server executed a certification claiming instead that service was left with Appellant's "wife," who allegedly identified herself as such. Both cannot be true (Pa71–Pa72). When a process server submits contradictory affidavits under oath, neither can be credited. Jurisdiction cannot rest on irreconcilable testimony.

I.B – Defective Notice of Intention to Foreclose (NOF)

Plaintiff failed to prove service of the NOF. USPS records show the certified mailing was “Label Created, Not Yet in System,” meaning it was never mailed.

Plaintiff nevertheless claimed the notice was “returned unclaimed.” It is impossible for mail to be returned if it never entered the postal system. Plaintiff also failed to produce a green card return receipt, as required by N.J.S.A. 54:5-97.1 and emphasized in *Purohit v. U.S. Bank*, A-0394-23 (App. Div. 2022) (Pa73).

I.C – Skip Trace Does Not Prove Service

Plaintiff included a computerized skip trace in its appendix. The skip trace lists Appellant’s household members but contains no reference to any wife. This omission directly contradicts Plaintiff’s claim that service was accepted by Appellant’s “wife.” A skip trace is not proof of service under R. 4:4-4. Reliance on such an exhibit only highlights Plaintiff’s inability to prove valid service.

I.D – Plaintiff Cannot Disown Its Own Contradictory Evidence

Plaintiff may attempt to argue that the skip trace is “inaccurate.” That excuse must

fail. Plaintiff itself submitted the exhibit as evidence. The record now contains three incompatible versions of events: (1) personal service on Appellant, (2) substitute service on a “wife,” and (3) a skip trace showing no wife in the household. Each affidavit and exhibit was submitted under oath or certification. Plaintiff cannot change its story after the fact to repair fatal defects in its own proof.

I.E – Failure to Serve the Amended Complaint

On October 15, 2022, Plaintiff filed an Amended Complaint. An amended complaint that affects a defendant’s rights must be served with the same formality as an original complaint. R. 4:9-1; R. 4:9-3. Yet no affidavit of service exists for the Amended Complaint. Plaintiff never demonstrated that it was served on Appellant or other captioned parties. Because the operative pleading was never served, jurisdiction never attached, and all subsequent proceedings — including the Final Judgment — are void ab initio.

In Sum

Under *Mandara*, supra, even one service defect requires vacatur. Here, multiple fatal defects exist. The judgment cannot stand.

POINT II

PLAINTIFF FAILED TO PROVE SERVICE OF THE NOTICE OF INTENTION TO FORECLOSE (NOF).

N.J.S.A. 54:5-97.1 requires that before filing a foreclosure complaint, the certificate holder must serve a Notice of Intention to Foreclose (NOF) by certified and regular mail, and prove both mailing and delivery. Failure to do so is a jurisdictional defect requiring vacatur. *Purohit v. U.S. Bank*, A-0394-23 (App. Div. 2022).

Here, Plaintiff's proof of NOF service is facially defective in several respects:

II.A – USPS Records Prove the NOF Was Never Mailed

The only document produced was a USPS tracking label showing “Label Created, Not Yet in System.” This designation means the label was printed but the item was never accepted into the mailstream. Mail cannot be “returned unclaimed” if it was

never mailed in the first place. Plaintiff's contrary claim is false and unsupported (Pa73).

II.B – Absence of Green Card Return Receipt

The Legislature required certified mailing precisely so there would be a green card or electronic delivery record proving service. None was produced. Without a signed return receipt or proof of delivery, Plaintiff cannot establish compliance with N.J.S.A. 54:5-97.1. See *M & D Assocs. v. Mandara*, 366 N.J. Super. 341, 356–57 (App. Div. 2004) (failure to properly serve even one interested party voids foreclosure).

II.C – Defective Service List

The service list was itself defective. It included non-parties such as the municipal Tax Collector, while omitting certain captioned defendants altogether. Another addressee, “Raymond Presnal,” was listed without a complete address. Courts strictly construe service requirements in foreclosure because property rights are at stake. See *Perkins v. Pfizer, Inc.*, 221 N.J. Super. 391 (App. Div. 1987).

II.D – Jurisdictional Consequences

Because Plaintiff failed to produce competent proof of NOF mailing and delivery, the statutory precondition to foreclosure was not satisfied. Without valid service of the NOF, the foreclosure complaint was improperly filed, and the judgment is void ab initio.

POINT III

APPELLANT WAS READY AND WILLING TO REDEEM BUT WAS DENIED THE OPPORTUNITY.

The right of redemption is the cornerstone of New Jersey's Tax Sale Law. N.J.S.A. 54:5-54 guarantees a property owner the ability to redeem a certificate at any time before final judgment by paying the lawful charges to the tax collector. This statutory right is jealously protected by the courts. See *Simon v. Cronecker*, 189 N.J. 304, 319 (2007) (redemption statutes are liberally construed in favor of property owners).

Here, Appellant repeatedly attempted to redeem, but was blocked by the Borough's failure to provide redemption figures.

III.A – Defective Redemption Order

On April 21, 2022, the court entered an Order Fixing Amount, Time, and Place for Redemption. The order listed an amount due but failed to identify any responsible contact person or mechanism to confirm compliance. This omission deprived Appellant of a clear method to exercise his statutory right (Pa74).

III.B – Appellant’s Attempted Redemption

Appellant personally appeared at the Tax Collector’s office seeking to redeem. Staff acknowledged his request but failed to provide figures. On August 3, 2024, Appellant followed up with a written email demanding the redemption amount. The Borough never responded. These efforts demonstrate that Appellant was ready, willing, and able to redeem, but was prevented from doing so by the municipality’s inaction (Pa74).

III.C – Denial of Due Process

Due process requires not only notice but a meaningful opportunity to act. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). By failing to provide redemption figures, the Borough denied Appellant a meaningful

opportunity to redeem. See also *Town of Phillipsburg v. Block 1508, Lot 12*, 380 N.J. Super. 159, 166 (App. Div. 2005) (tax collector must provide accurate, certified redemption figures).

III.D – Jurisdictional Impact

Redemption is not a discretionary courtesy; it is a statutory mandate. Because Appellant’s right to redeem was obstructed, the foreclosure judgment rests on a process that violated both statute and due process. Such a judgment is void and must be vacated.

POINT IV

OWNERSHIP CONTRADICTIONS UNDERMINE PLAINTIFF’S CLAIM OF TITLE.

The foreclosure judgment rests on Plaintiff’s assertion that title vested in 2022. Yet public records contradict that claim. Courts cannot sustain a judgment where the record contains unresolved conflicts about ownership.

IV.A – Borough Records Contradict Plaintiff’s Title Claim

Borough tax assessment records dated November 27, 2024 continued to list

“Singh, Harinder” as the property owner (Pa75). This directly contradicts Plaintiff’s claim that title had vested in Blitei LLC two years earlier.

IV.B – Absence of a Sheriff’s Deed or Recorded Instrument

Despite claiming ownership, Plaintiff never produced a sheriff’s deed, tax deed, or any recorded transfer of title. The Middlesex County records remained in Appellant’s name. In foreclosure, the judgment itself does not prove title; a deed is necessary to effectuate transfer. Without such evidence, Plaintiff’s ownership claim remains unsubstantiated.

IV.C – Courts Require Resolution of Contradictory Evidence

Judgments must be based on competent evidence. When material contradictions appear in the record, the trial court must resolve them in a plenary hearing. *Peralta v. Heights Med. Ctr.*, 485 U.S. 80, 84–85 (1988) (default judgment void where trial court ignored conflicting facts and denied hearing). Here, by ignoring the Borough’s own records showing Appellant as owner, the trial court failed to discharge its duty under R. 1:7-4 to make findings of fact and conclusions of law.

IV.D – Jurisdictional Consequences

Ownership is central to standing in foreclosure. A party cannot foreclose unless it proves both the lien and its right to enforce against the true owner. Because Plaintiff's claim of title is contradicted by municipal records, the judgment lacks a lawful basis and must be vacated.

POINT V

PLAINTIFF'S CLAIMED EXPENDITURES AND ATTORNEY'S FEES ARE INFLATED, UNSUPPORTED, AND IRRELEVANT TO REDEMPTION.

Plaintiff argues that vacating the foreclosure judgment would be inequitable because it allegedly invested \$223,600 in rehabilitation, plus \$6,356.63 in attorney's fees. These claims are exaggerated, unsupported by competent evidence, and legally irrelevant to the statutory right of redemption.

V.A – Inflated and Contradictory Cost Figures

Plaintiff claims \$37,800 for replacing windows. The property has approximately eight windows, and the market cost for replacements is about \$754 — not \$37,800

(Pa76). Borough permits further show only \$130,280 in approved work, not \$223,600 as alleged.

Such contradictions demonstrate that Plaintiff knowingly assumed the risk of speculative expenditures. The Tax Sale Law does not guarantee repayment of voluntary improvements.

V.B – Attorney’s Fee Claim Is Unsupported by Lodestar Method

Plaintiff demands \$6,356.63 in attorney’s fees (Pa77). This figure was calculated by Plaintiff’s own law firm without any judicial review or lodestar analysis.

New Jersey courts require the lodestar method: proof of hours reasonably expended and reasonable hourly rates, subject to court approval. *Rendine v. Pantzer*, 141 N.J. 292, 334–35 (1995). Without such proof, no attorney’s fees may be shifted. Plaintiff’s bare assertion is legally insufficient.

V.C – Irrelevant to Statutory Redemption

Even if the cost figures were accurate, they are irrelevant. N.J.S.A. 54:5-54 defines redemption as the payment of the certificate, lawful interest, and subsequent taxes.

Improvements and self-calculated attorney's fees are not part of the redemption price.

As the Appellate Division explained in *Town of Phillipsburg v. Block 1508, Lot 12*, 380 N.J. Super. 159, 166 (App. Div. 2005), redemption figures must be based on certified municipal records — not voluntary expenditures.

V.D – Equity Does Not Excuse Statutory Noncompliance

Plaintiff's equity argument cannot cure jurisdictional defects. Courts have consistently held that equitable considerations cannot override statutory redemption rights. *Simon v. Cronecker*, 189 N.J. 304, 319 (2007). The right of redemption belongs to the property owner, not the investor.

In Sum

Because Plaintiff's cost and fee claims are inflated, unsupported, and irrelevant, they cannot justify the foreclosure judgment. Redemption must be calculated strictly under the statute.

POINT VI

THE FORECLOSURE RESULTED IN AN UNCONSTITUTIONAL TAKING OF EQUITY.

This foreclosure extinguished hundreds of thousands of dollars in equity to satisfy a lien of only a few thousand dollars. The result is the very disproportionality the United States Supreme Court has condemned under the Takings Clause.

VI.A – Extreme Disparity Between Debt and Equity

The original tax certificate was for \$7,846.99. Even accepting Plaintiff’s own figures with interest and alleged subsequent charges, the redemption amount would not exceed roughly \$78,000. By contrast, the property’s fair market value is \$387,400, leaving over \$300,000 in forfeited equity (Pa78).

In *Tyler v. Hennepin County*, 598 U.S. 631, 642–43 (2023), the Supreme Court held that government “may not confiscate more property than is necessary to satisfy a tax debt.” The Constitution does not permit wiping out a homeowner’s entire equity for a small debt. The same unconstitutional disproportionality is present here.

VI.B – Plaintiff’s Speculative Expenditures Do Not Cure the Constitutional Defect

Plaintiff argues that it spent money rehabilitating the property. Even if true, those expenditures are irrelevant to the Takings Clause. The Constitution focuses on what was taken from the property owner, not what the investor chose to spend. Private speculation cannot justify the uncompensated forfeiture of \$300,000 in equity.

VI.C – Continuing Injury Through Lost Rental Income

The foreclosure deprived Appellant not only of equity but also of rental income. When Plaintiff wrongfully took possession in 2023, it evicted tenants who paid approximately \$1,800 per month. Since then, Appellant has lost over \$30,000 in rental income. The Takings Clause protects both the equity and the economic utility of property. See *Armstrong v. United States*, 364 U.S. 40, 49 (1960) (Takings Clause designed to prevent government from forcing individuals alone to bear public burdens).

VI.D – Jurisdictional Consequences

A foreclosure that confiscates property far in excess of the debt owed is unconstitutional. The Appellate Division cannot affirm a judgment that results in an uncompensated taking. Such a judgment is void under both federal and state constitutions.

POINT VII

THE FORECLOSURE IS VOID BECAUSE OF A BREAK IN THE CHAIN OF TITLE: THE ASSIGNMENT COVERED ONLY LOT 20, NOT LOT 21.

A foreclosure plaintiff must prove ownership of the exact lien being foreclosed. Any break in the chain of title is a fatal jurisdictional defect.

VII.A – Assignment Covered Only Lot 20

The only recorded assignment in this case transferred Block 156, Lot 20. No assignment of Lot 21 exists. Despite this, Plaintiff's foreclosure judgment purported to extinguish rights in both Lot 20 and Lot 21 (Pa79).

VII.B – Statutory Requirements for Assignments

N.J.S.A. 54:5-46 requires that a tax sale certificate assignment be in writing, acknowledged, and recorded. N.J.S.A. 54:5-113 further provides that foreclosure may proceed only on liens that have been validly assigned. Courts strictly construe these provisions. A judgment that adjudicates rights in land not covered by an assignment is void.

VII.C – Case Law Requiring Strict Identity of Property

New Jersey courts require strict identity of the parcel throughout the foreclosure process. *M & D Assocs. v. Mandara*, 366 N.J. Super. 341, 356–57 (App. Div. 2004) (failure to properly serve one party voids foreclosure; strict compliance required). The same principle applies to property identity: if the certificate, assignment, complaint, and judgment do not match, the action must fail.

VII.D – Jurisdictional Consequences

Because Plaintiff never acquired the lien on Lot 21, it had no standing to foreclose as to that parcel. A judgment that purports to extinguish rights in property not covered by the assignment is void for lack of standing and jurisdiction.

POINT VIII

THE SUMMONS WAS IMPROPERLY ISSUED AND JURISDICTIONALLY DEFECTIVE.

A summons is the formal instrument by which a court asserts jurisdiction over a defendant. If a summons is invalid, the entire proceeding is void. R. 1:9-1; R. 4:4-1.

VIII.A – Improper Issuance by Private Counsel

Here, the summons was issued and signed not by the Clerk of the Superior Court but by Plaintiff’s private attorney, acting “for the Clerk.” New Jersey court rules permit only the Clerk (or a deputy clerk) to issue a summons, except when a litigant is pro se. See R. 1:9-1; R. 4:4-1. Plaintiff’s counsel was not authorized to act in the Clerk’s stead. (Pa80).

VIII.B – Absence from the Docket

No official copy of the summons was ever filed in the eCourts docket. The absence of a filed summons means there is no verifiable record that jurisdiction was ever

properly invoked. The docket itself is proof of whether process issued, and here it shows none.

VIII.C – Case Law on Jurisdictional Defects in Summons

New Jersey courts have held that jurisdictional defects cannot be waived and may be raised at any time. *Nieder v. Royal Indemnity Ins. Co.*, 62 N.J. 229, 234 (1973).

When a summons is invalid or never properly issued, the court lacks jurisdiction to proceed. A judgment entered without jurisdiction is a nullity. *Shammas v. Shammas*, 9 N.J. 321, 328 (1952).

VIII.D – Jurisdictional Consequences

Because the summons was not issued by the Clerk and never entered into the docket, the action was never properly commenced. The foreclosure judgment rests on a fatally defective summons and is void ab initio.

POINT IX

PLAINTIFF MISREPRESENTED TAX PAYMENT HISTORY; BOROUGH RECORDS PROVE 2017 TAXES WERE PAID IN FULL.

Plaintiff repeatedly asserted that Appellant “never paid taxes after acquiring the property in 2017” and immediately fell into delinquency. This claim was false, contradicted by the Borough’s own records. Fraud of this nature cannot sustain a foreclosure judgment.

IX.A – Borough Records Confirm Full Payment

The Borough of Sayreville’s Tax Account Detail Inquiry, dated September 9, 2025, shows that all four quarterly tax payments for 2017 were paid in full, in cash:

- May 31, 2017 – \$1,256.00 (Q1)
- May 31, 2017 – \$1,256.00 (Q2)
- August 30, 2017 – \$1,324.56 (Q3)
- November 20, 2017 – \$1,324.00 (Q4)

Total: \$5,160.56, fully satisfied, leaving a zero balance (Pa81).

IX.B – Plaintiff’s Misrepresentation to the Court

Despite these official records, Plaintiff told both the trial court and this Court that Appellant never paid taxes after acquisition. This is not a simple mistake — it is a material falsehood that went to the foundation of the foreclosure.

IX.C – Fraud on the Court Is a Nullity

New Jersey law is clear: judgments founded on fraud are void. *Shammas v. Shammas*, 9 N.J. 321, 328 (1952) (“A judgment founded in fraud is a nullity.”).

Fraud undermines the legitimacy of the judicial process itself and cannot be excused by timeliness or equity.

IX.D – Jurisdictional Consequences

Because the foreclosure was premised on a false claim of delinquency — directly contradicted by municipal records — the judgment is fraudulent and void ab initio.

POINT X

THE CERTIFICATE OF SALE CITES A STATUTE THAT AUTHORIZED ONLY PUBLIC WELFARE USES, NOT PRIVATE PROFIT, AND IS THEREFORE ULTRA VIRES.

The Certificate of Sale issued in 2019 cites *L. 1937, c. 54*, a Depression-era statute that authorized county boards of chosen freeholders in counties of the second class to acquire land for limited public purposes, such as “the operation of a summer camp for undernourished and/or underprivileged children.” (Pa78).

Nothing in that statute authorizes a municipal tax collector to seize property and transfer it to private investors for profit. By relying on an inapplicable statute, the Borough and Plaintiff acted beyond the authority granted by law.

X.A – Wrong Authority

The statute empowered county boards, not municipal tax collectors. Here, the Certificate was signed by the Borough Tax Collector. This was a direct violation of legislative intent, which required county-level action based on a finding of public need.

X.B – Wrong Purpose

The statute authorized acquisition only for narrow public welfare uses. Instead, the property was transferred to a private entity for speculative rehabilitation and resale. This is contrary to the Legislature’s intent and exceeds the statutory scope.

X.C – Wrong Method

The statute required acquisition through purchase, condemnation, or gift. Here, the

property was confiscated through foreclosure without any of these safeguards. That renders the Certificate void on its face.

X.D – Judicial Duty to Enforce Legislative Intent

Courts are bound to enforce statutes according to legislative purpose. *State v. Hupka*, 203 N.J. 222, 231 (2010) (“Courts must give effect to legislative intent and cannot rewrite statutes under the guise of interpretation.”). By ignoring the plain misfit between the statute and the Certificate, the trial court failed in its duty. Judicial ignorance of the law is not an excuse; it is reversible error.

X.E – Consequences

An instrument executed by the wrong official, for the wrong purpose, and under the wrong statute is void ab initio. A judgment founded on such an ultra vires document cannot stand. See *Shammas v. Shammas*, 9 N.J. 321, 328 (1952).

CONCLUSION

This foreclosure was not the product of strict statutory compliance or fair judicial process, but of contradictory affidavits, defective notices, a void summons, inflated costs, broken chain of title, misrepresented tax payments, and reliance on an ultra

vires statute. Each of these defects independently renders the judgment void. Together, they reveal a proceeding that stripped Appellant of over \$300,000 in equity for a lien of less than \$8,000 — the very disproportionality the Supreme Court has condemned under *Tyler v. Hennepin County*, 598 U.S. 631 (2023).

The trial court ignored jurisdictional defects, dismissed Appellant’s motion on timeliness alone, and failed to hold the plenary hearing required by due process. A void judgment cannot be sustained on procedural technicalities. *Peralta v. Heights Med. Ctr.*, 485 U.S. 80, 84 (1988). Ignorance of the law is no excuse, and legislative intent cannot be rewritten by judicial inaction. *State v. Hupka*, 203 N.J. 222, 231 (2010).

For these reasons, the foreclosure judgment must be vacated, and Appellant’s right to redeem restored.

RELIEF REQUESTED

Appellant respectfully requests that this Court:

1. **Vacate the Final Judgment of Foreclosure** as void ab initio for lack of valid service, defective summons, broken chain of title, misrepresentation of tax payments, and ultra vires reliance on L. 1937, c. 54.

2. **Restore Appellant's statutory right of redemption**, consistent with N.J.S.A. 54:5-54, free of inflated and speculative charges.
3. **In the alternative, remand** to the trial court with instructions to hold a plenary evidentiary hearing on disputed issues of service, NOF mailing, summons validity, ownership, redemption, and certificate validity.
4. **Direct Plaintiff to produce competent proof** of all charges in the form of municipal certifications, invoices, or receipts, as required by *Town of Phillipsburg v. Block 1508, Lot 12*, 380 N.J. Super. 159 (App. Div. 2005).
5. **Exclude from redemption any non-statutory amounts**, including unsupported attorney's fees, voluntary improvements, and speculative costs.
6. **Grant such other relief as the Court deems just and equitable** to protect Appellant's property rights and constitutional guarantees.

X _____

09/23/2025