NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3138-21

MTAG AS CUST FOR ATCF II NJ, LLC,

Plaintiff-Appellant,

v.

TAO INVESTMENTS, LLC, STATE OF NEW JERSEY, LANSING INVESTMENTS, LLC, RKSD INVESTMENTS, LLC, K BANK, HARBOR BANK OF MARYLAND, and LISA J. MCKENZIE,

Defendants,

and

LH-NP STRAT DELAWARE OWNER TRUST,

Defendant-Respondent.

APPROVED FOR PUBLICATION
July 10, 2023
APPELLATE DIVISION

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Argued May 23, 2023 – Decided July 10, 2023

Before Judges Geiger, Susswein and Berdote Byrne.

On appeal from the Superior Court of New Jersey, Chancery Division, Hudson County, Docket No. F-002270-21.

Amber J. Monroe argued the cause for appellant (Gary C. Zeitz, LLC, attorneys; Amber J. Monroe, on the briefs).

John A. Monari argued the cause for respondent (Pincus Law Group, PLLC, attorneys; John A. Monari, on the brief).

The opinion of the court was delivered by

BERDOTE BYRNE, J.S.C. (temporarily assigned)

In this appeal from a trial court order vacating final judgment by default in a tax sale foreclosure, we consider whether personal service may be defective pursuant to the court rules, but effective on a limited liability company (LLC) pursuant the Revised Uniform Limited Liability Company Act (RULLCA), N.J.S.A. 42:2C-1 to -94. Plaintiff argues the trial court erred in finding it failed to properly serve defendant Tao Investments LLC with process. As a result of the trial court vacating final judgment, another defendant, LH-NP Delaware Owner Trust (Delaware Trust), which had instituted a separate mortgage foreclosure proceeding against Tao, was able to redeem the tax sale certificate.

Relying on the court rules governing personal service, and the statute requiring a business corporation maintain updated records, plaintiff ignored the service of process rules contained in RULLCA. Although RULLCA and the Business Corporation Act (BCA), N.J.S.A. 14A:1-1 to: 18-11, contain some

similarities, such as the requirement to continuously maintain a registered office and agent for service of process,[1] the rules governing service are distinct and materially different. Service upon a corporation in New Jersey is governed by Rule 4:4-4(a)(6) and N.J.S.A. 14A:4-2, whereas service upon an LLC is governed by Rule 4:4-4(a)(5), and RULLCA, N.J.S.A. 42:2C-17.

The RULLCA service of process provision contains an additional method of service which the BCA lacks, providing, as a permissive alternative, where personal service in accordance with the court rules fails despite reasonably diligent efforts, service may be made upon the State filing office. N.J.S.A. 42:2C-17(b). In contrast, the BCA service of process provisions do not authorize the State to accept process as an agent of a corporation. R. 4:4-4(a)(6); N.J.S.A. 14A:4-2.

When followed, the service of process procedures in RULLCA create an alternative method of effective service. N.J.S.A. 42:2C-17(b). Because RULLCA permits service on the State filing office, service may be effective on the LLC pursuant to N.J.S.A. 42:2C-17 even where personal service on an officer of the LLC is defective under Rule 4:4-4(a)(5).

We note, however, plaintiff did not take advantage of the relevant RULLCA service of process provisions in N.J.S.A. 42:2C-17 and did not serve

[1] Compare N.J.S.A. 14A:4-1 with N.J.S.A. 42:2C-14.

the State filing office. Thus, because service was defective pursuant to Rule 4:4-4(a)(5), and plaintiff made no attempt to effect service in accordance with N.J.S.A. 42:2C-17, service was defective, and we affirm the trial court.

On December 19, 2017, plaintiff MTAG purchased a tax sale certificate (the certificate or 2017 tax lien) from the Jersey City tax collector, affecting real property located at 832 Grand Street in Jersey City (the property) and recorded with the Hudson County Clerk on March 8, 2018. At the time plaintiff purchased the tax sale certificate, the property was owned by a real estate holding company, 832 Grand, LLC.

Tao was the managing member of 832 Grand, LLC when it acquired the property. Tao, on behalf of the holding company, executed a purchase money mortgage, which was secured by the property and recorded on June 7, 2017 (the 2017 mortgage). The mortgage was originally executed in favor of RS Lending, Inc., but was subsequently assigned to co-defendant and sole respondent on appeal, Delaware Trust. The assignment from RS to Delaware Trust was dated June 29, 2020, and recorded September 2, 2020 (the 2020 assignment). Thus, plaintiff's 2017 tax lien was senior to Delaware Trust's 2020 assignment.

On July 3, 2020, 832 Grand Street, LLC conveyed the property, which was still encumbered by both the mortgage and 2017 tax lien, to Tao. The

conveyance was recorded by the Hudson County Clerk on October 26, 2020 (the 2020 deed). Lionel Matthews signed as principal for 832 Grand, LLC, affixing his signature and title as "managing member of Tao . . . which entity is the managing member of 832 Grand LLC."

On November 13, 2020, Delaware Trust instituted its own complaint in foreclosure due to Tao's failure to remit payments pursuant to the terms of the original 2017 mortgage and its subsequent 2020 mortgage assignment. That complaint was filed under a separate foreclosure docket number which is not the subject of this appeal.

On April 27, 2021, plaintiff filed a complaint to foreclose the 2017 tax sale certificate lien. Thus, although plaintiff held a senior lien, it began foreclosure proceedings five months after the Delaware Trust foreclosure began.[2] To effect service of process on Tao, plaintiff conducted a registered agent search. The New Jersey Treasury database search revealed Christopher Baker was the registered agent for Tao, and listed Lionel Matthews as a member. Additionally, the report listed a registered service of process address and a registered business address at different locations in Jersey City.

[2] A tax sale certificate holder may commence an action to foreclose the right of redemption "at any time after the expiration of the term of two years from the date of sale of the tax sale certificate." N.J.S.A. 54:5-86(a). The earliest plaintiff could have begun foreclosure pursuant to the statute was December 19, 2019.

A personal process server was unable to serve Tao at the registered service of process or the main business addresses in Jersey City. Unsuccessful in its initial attempts, plaintiff then conducted a skip trace search for Lionel Matthews, the managing member of Tao according to both the 2020 deed and the State database. The skip trace provided seven different addresses, including three Jersey City addresses, two Hillside addresses, one Newark address, and one Atlanta, Georgia address. The skip trace search denoted the first Jersey City address was the "probable current address."

On June 24, 2021, according to the process server affidavit, a sixty-eight-year-old man named Lionel Matthews personally accepted service of the complaint at the Jersey City address denoted "probable current address" by the skip trace. Plaintiff did not attempt service at any of the other addresses.

On September 9, 2021, default was entered against all defendants. Upon plaintiff's motion, the court set November 23, 2021, as the last date to redeem the tax sale certificate lien. When redemption did not occur, plaintiff applied for final judgment, which was entered on December 13, 2021.

Delaware Trust claimed it first learned of plaintiff's complaint in foreclosure on January 6, 2022, when Matthews called Delaware Trust counsel's office. Matthews indicated he was interested in settling the outstanding debt owed on Delaware Trust's 2020 mortgage assignment but was

unable to because of the final judgment entered in plaintiff's tax sale foreclosure one month prior. Delaware Trust maintained, after a thorough review of its records, it had no record of being served plaintiff's original complaint or amended tax sale foreclosure complaint.

On February 4, 2022, Delaware Trust filed a motion to vacate final judgment. Tao never formally filed its own motion to vacate final judgment, but in its letter of February 23, 2022, joining the Delaware Trust motion, it stated:

> My office represents the interests of the defendant, Tao Investments, LLC, in regard to the above referenced matter. My client joins in the Motion to Vacate Default Judgment filed by the co-defendant, [Delaware Trust] returnable before the Court on March [17], 2018.

Prior to the return hearing, Matthews certified he resided in Hillside, New Jersey. In support of his certification, Matthews appended a record of rent receipts he remitted at the Hillside address from December 1, 2020, through December 31, 2021, the full calendar year prior to plaintiff filing its complaint. Matthews also certified he was not sixty-eight-years-old and did not otherwise match the description of the individual served according to the process server affidavit.

On March 17, 2022, the trial court entertained oral argument, hearing from plaintiff, Delaware Trust, and Tao. Delaware Trust argued final

judgment should be vacated pursuant to Rule 4:50-1(d), (f) because it was void ab initio due to defective service pursuant to subsection (d), or, alternatively, it was void due to defective service constituting an extraordinary circumstance pursuant to subsection (f).

Tao argued, consistent with Matthew's certification, that Matthews resided in Hillside during the relevant period, and neither he, nor any competent adult at his primary residence was ever served process in accordance with Rule 4:4-4. Tao also highlighted the fact Matthews was at least thirty years younger than the individual described by the process server.

The trial court rejected Delaware Trust's assertion service was defective on it, finding service was properly effected pursuant to Rule 4:4-4. However, the trial court ruled service was defective on Matthews, which resulted in defective service on Tao. The court found:

> everything [Tao] has produced in [their] papers clearly convinces the [c]ourt that Mr. Matthews resides in Hillside, and therefore any attempt to serve him anywhere else in this case . . . was ineffective. So, I'm granting the motion as to Mr. Matthews.

The trial court continued and ruled:

> Motions to vacate Final Judgment are governed by Rule 4:50, and motions to vacate default are governed by Rule 4:43-3. And I am satisfied that enough issues have been raised by the moving parties to question the validity of the service of process, that I am granting

> the motion – both motions to vacate default, and any judgment extending therefrom.

The trial court's order vacated its previous final judgment in foreclosure of the tax sale certificate. The order also provided any defendant or interested party was allowed to redeem the tax sale certificate within sixty days. The very next day, Delaware Trust redeemed the tax sale certificate.

On May 20, 2022, plaintiff moved for equitable relief, seeking reimbursement of attorney's fees and costs from Delaware Trust pursuant to Rule 4:50-1. On June 10, 2022, the unopposed motion was granted as a final order, concluding plaintiff's foreclosure proceeding. Plaintiff appealed as of right. Delaware Trust is the sole respondent on appeal.

Rule 4:50-1 allows a trial court to relieve a party from a final judgment or order for (a) mistake; (b) newly discovered evidence; (c) fraud; (d) because the judgment or order is void; (e) the judgment or order has been satisfied, released, reversed, or otherwise vacated; or (f) "any other reason justifying relief from the operation of the judgment or order."

Relief under Rule 4:50-1, except for relief from default judgments, is "granted sparingly," and in exceptional circumstances. F.B. v. A.L.G., 176 N.J. 201, 207 (2003). "The decision whether to vacate a judgment on one of the six specified grounds is a determination left to the sound discretion of the trial court, guided by principles of equity." Ibid. On appeal, "[t]he decision

granting or denying an application to open a judgment will be left undisturbed unless it represents a clear abuse of discretion." Hous. Auth. of Morristown v. Little, 135 N.J. 274, 283 (1994); see also U.S. Bank Nat'l Ass'n v. Guillaume, 209 N.J. 449, 467 (2012) (trial court's determination under Rule 4:50-1 "warrants substantial deference, and should not be reversed unless it results in a clear abuse of discretion"). "The Court finds an abuse of discretion when a decision is 'made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis.'" Guillaume, 209 N.J. at 467-68 (quoting Iliadis v. Wal-Mart Stores, Inc., 191 N.J. 88, 123 (2007)).

However, a court should view the setting aside of a default judgment under this rule and Rule 4:43-3, "'with great liberality,' and should tolerate 'every reasonable ground for indulgence . . . to the end that a just result is reached.'" Mancini v. EDS ex rel. N.J. Auto. Full Ins. Underwriting Ass'n, 132 N.J. 330, 334 (1993) (quoting Marder v. Realty Constr. Co., 84 N.J. Super. 313, 319 (App. Div. 1964)).

Although at the trial level Delaware Trust argued service upon it was defective, it waives those arguments on appeal, and argues final judgment was properly vacated because service was defective only as to Tao. Tao does not participate in this appeal.

Plaintiff argues service on all defendants was procedurally proper and effective pursuant to Rule 4:4-4(a)(6), the general service rule for corporations. Plaintiff alleges Tao was served when Matthews received service at the Jersey City address. Plaintiff asserts Tao and Matthews failed to update or maintain registered agents and addresses in New Jersey, although the BCA provisions, N.J.S.A. 14A:4-1(1) to -(2)(1), require corporations to "continuously maintain a registered office . . . and a registered agent . . . ." Plaintiff therefore argues Tao and Matthews waived the right to vacate final judgment by invoking a lack of personal jurisdiction because they failed to update their records, specifically their registered service and business address, pursuant to the BCA requirements.

Personal service is "the primary method of obtaining in personam jurisdiction over a defendant in this State. . . ." R. 4:4-4(a). The general rule for personal service upon an unincorporated association or entity, such as an LLC or general partnership, is found in Rule 4:4-4(a)(5), which provides personal service may be made:

> Upon partnerships and unincorporated associations subject to suit under a recognized name, by serving a copy of the summons and complaint in the manner prescribed by paragraph (a)(1) of this rule on an officer or managing agent or, in the case of a partnership, a general partner[.]
>
> [R. 4:4-4(a)(5).]

Additionally, RULLCA contains the following guidelines, authorizing the State filing office[3] to accept process as an agent of an LLC in certain instances:

> a. An agent for service of process appointed by a limited liability company or foreign limited liability company is an agent of the company for service of any process, notice, or demand required or permitted by law to be served on the company.
>
> b. If a limited liability company or foreign limited liability company does not appoint or maintain an agent for service of process in this State or the agent for service of process cannot with reasonable diligence be found at the agent's street address, the filing office is an agent of the company upon whom process, notice, or demand may be served.
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> c. Service of any process, notice, or demand on the filing office as agent for a limited liability company or foreign limited liability company may be made by delivering to the filing office duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the filing office, the filing office shall forward one of the copies by mail or otherwise provide or deliver a copy to the registered office of the company or the principal office of the company if the mailing address of the principal office appears in the records of the filing office and is different from the mailing address of the registered office.

[3] "'Filing office' means the Division of Revenue in the Department of the Treasury, or such other State office designated as such by law." N.J.S.A. 42:2C-2 (definitions).

> d. Service is effected under subsection c. of this section at the earliest of:
>
> (1) the date the limited liability company or foreign limited liability company receives the process, notice, or demand;
> (2) the date shown on the return receipt, if signed on behalf of the company; or
> (3) five days after the process, notice, or demand is deposited with the United States Postal Service, if correctly addressed and with sufficient postage.
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> [N.J.S.A. 42:2C-17 (emphasis added).]

The record reflects plaintiff discovered Christopher Baker was the registered agent for Tao. Plaintiff attempted to serve Christopher Baker at both the registered service and official business addresses, as expressly permitted by both Rule 4:4-4(a)(5) and RULLCA, N.J.S.A. 42:2C-17(a). Plaintiff then discovered the registered service and business addresses were outdated, the precise situation contemplated in N.J.S.A. 42:2C-17(b).

Plaintiff then conducted a skip trace search to discover the whereabouts of Matthews, who could be served as an officer of Tao pursuant to Rule 4:4-4(a)(5). The skip trace search, conducted through an unidentified third-party website, revealed seven potential addresses for Matthews. Plaintiff did not attempt service upon all addresses, and did not narrow the results in any way, but chose one of the Jersey City addresses because the skip trace website designated it as "probable current address." On June 21, 2021, a date when

Matthews was residing in Hillside, personal service was effected on a Jersey City address upon an individual who did not match Matthews' description. The age discrepancy between Matthews and the person served in Jersey City was significant, at least thirty years. Plaintiff did not explain the discrepancy to the trial court and has not provided an explanation on appeal.

The trial court determined service was defective because Matthews resided at a different address and plaintiff's efforts at service were not diligent pursuant to the court rules. We find no reason to disturb the trial court's holding. See Sobel v. Long Island Ent., 329 N.J. Super. 285, 291-92 (App. Div. 2000) (holding personal service defective where process served at place other than defendant's residence upon person having same name as defendant but whom defendant claims not to know, and plaintiff does not prove otherwise).

We are unpersuaded by plaintiff's waiver argument which contradicts well-known principles of statutory construction. "The overriding goal is to determine as best we can the intent of the Legislature, and to give effect to that intent." State v. Hudson, 209 N.J. 513, 529 (2012). To that end, we look to the plain language of the statute as the best indicator of the intent of the Legislature. Ibid. "If the plain language leads to a clear and unambiguous result, then our interpretive process is over." Richardson v. Bd. of Trs., Police

& Firemen's Ret. Sys., 192 N.J. 189, 195 (2007); see also N.J.S.A. 1:1-1 (A statute's "words and phrases shall be read and construed with their context, and shall . . . be given their generally accepted meaning, according to the approved usage of the language.").

"When interpreting a statute that is part of a larger framework, the statute should be read in connection with the other parts to give meaning to the entire legislative scheme." Pitney Bowes Bank, Inc. v. ABC Caging Fulfillment, 440 N.J. Super. 378, 385 (App. Div. 2015). The objective of appellate review is not "to rewrite a plainly-written enactment of the Legislature or presume that the Legislature intended something other than that expressed by way of the plain language." Borough of Glassboro v. Fraternal Order of Police, Lodge No. 108, 197 N.J. 1, 11(2008).

Applying these principles, we note RULLCA, 42:2C-14, is applicable to plaintiff's waiver argument, not the BCA, because Tao is an LLC, not a corporation. Compare N.J.S.A. 14A:1-3 (application of BCA to every New Jersey corporation) with N.J.S.A. 42:2C-91 (application of RULLCA to all New Jersey LLCs). Further, we note RULLCA authorizes the State filing office to accept service as an agent if "an agent for service of process cannot with reasonable diligence be found at the agent's street address." N.J.S.A. 42:2C-17(b).

When the State filing office is served pursuant to RULLCA, the statute creates a presumption of effective service on the LLC at the earliest of the following:

> (1) the date the limited liability company or foreign limited liability company receives the process, notice, or demand;
> (2) the date shown on the return receipt, if signed on behalf of the company; or
> (3) five days after the process, notice, or demand is deposited with the United States Postal Service, if correctly addressed and with sufficient postage.
>
> [N.J.S.A. 42:2C-17(d).]

Neither the BCA nor the court rules contain analogous provisions which permit service on the State as an agent of a corporation. See N.J.S.A. 14A:4-2; see also R. 4:4-4(a)(6). Moreover, our review suggests the RULLCA service of process mechanism is unique among regulatory frameworks in authorizing the State filing office as an agent for process and shares no counterpart in other business statutes and entity designations, such as limited liability partnerships, limited partnerships, or limited partnership associations. See generally N.J.S.A. 42:1A-1 to -56 (Uniform Partnership Act) N.J.S.A. 42:1A-47 to -45 (limited liability partnerships); N.J.S.A. 42:2A-1 to -73; N.J.S.A. 42:3-8 (service of process rules in limited partnership associations). RULLCA stands alone among the business association statutes permitting service upon the State as an agent.

When plaintiff failed to effect personal service on Baker at the registered addresses, which were outdated, plaintiff was permitted to serve the State filing office as an agent of the LLC pursuant to the plain language of N.J.S.A. 42:2C-17(b). Plaintiff did not take advantage of this statutory alternative for effective service, and instead attempted personal service solely in accordance with the court rules, which was defective for reasons already explained.

Had plaintiff followed the procedures set forth in N.J.S.A. 42:2C-17 it could have raised the RULLCA presumption of effective service once the filing office was served. Service would have been deemed effective as provided for in N.J.S.A. 42:2C-17(d).

Instead, plaintiff missed an important procedural rung. The presumption of effective service created by RULLCA, N.J.S.A. 42:2C-17(b)-(d), is significant because it both incentivizes reasonably diligent good faith service attempts by parties, and disincentivizes LLCs from failing to update their registered agent and office addresses, or worse, intentionally registering a false address to avoid service. Of course, the business statutes, including RULLCA, also disincentivize failure to maintain annual filings by other means, chiefly the threat of revocation to the entity designation and all the protections which

come with it,[4] but only RULLCA creates a mechanism for plaintiff to raise a presumption of effective service on an LLC by simply serving the State filing office.

The RULLCA statute provides an alternative for a plaintiff whose service attempts are frustrated, despite reasonable diligence: if a plaintiff demonstrates "reasonable diligence" in attempting to serve the registered agent or registered address, it may serve the filing office as an agent of the LLC. N.J.S.A. 42:2C-17(b).

Once the filing office mails one of the duplicate copies to the registered address on file, service is deemed effective five days after mailing. Reading subsection (d)(3) in conjunction with N.J.S.A. 42:2C-14, the mandatory office and agent provisions, (d)(3) provides a means for the presumption of effective service on an LLC.

Although the statute is permissive, not mandatory, a plaintiff who exercises reasonable diligence but still fails to locate a service address or agent is wise to avail itself of the security provided therein. The statutory scheme

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[4] See, e.g., RULLCA, N.J.S.A. 42:2C-26(b); BCA, N.J.S.A. 14A:4-5(5) ("In the event a domestic corporation fails to file an annual report for two consecutive years with the State Treasurer, . . . the State Treasurer may issue a proclamation declaring that the certificate of incorporation of the corporation has been revoked . . . ."); see also N.J.S.A. 42:1A-49(c) (limited liability partnerships); N.J.S.A. 42:2A-69(c) (limited partnerships).

prevents an LLC from bypassing its obligation to designate an agent and address for service as a method of thwarting litigation. The recordation of facts denoting service attempts by the State filing office – a neutral third party which is responsible for maintaining the database of LLC filings – provides legitimacy to any dispute regarding service. Plaintiff's waiver argument pursuant to the BCA is unavailing because it is inapplicable.

We note, defective service will not constitute per se grounds to vacate a final judgment. Not every defect in service of process constitutes a denial of due process qualifying defendant for relief from the default judgment. See Rosa v. Araujo, 260 N.J. Super. 458 (App. Div. 1992) (holding service on a person in defendant's home not a member of his household had no effect on defendant's actual notice of the action). There is a sliding scale of due process in which court's consider an individual's actual notice of an action to determine whether due process was violated. Ibid.; see also Coryell LLC v. Curry, 391 N.J. Super. 72, 81 (App. Div. 2006) (service at defendant's New Jersey office rather than Maryland headquarters held to provide adequate notice and deemed effective).

"The critical components of due process are adequate notice, opportunity for a fair hearing and availability of appropriate review." City of Passaic v. Shennett, 390 N.J. Super. 475, 485 (App. Div. 2007) (quoting Borough of

Keyport v. Maropakis, 332 N.J. Super. 210, 220 (App. Div. 2000)). Adequate notice has been deemed "reasonable notice of the nature of the proceedings" which requires "such notice as is in keeping with the character of the proceedings and adequate to safeguard the right entitled to protection." Shennett, 390 N.J. Super. at 485 (quoting Dep't of Cmty. Affairs v. Wertheimer, 177 N.J. Super. 595, 599 (App. Div. 1980)). Where the issue involves the forfeiture of a real property interest, adherence to procedural requirements must be scrutinized.

Vacating final judgment was proper. Because plaintiff deviated from the service rules with respect to Matthews, Tao was deprived of the procedural safeguards which the rules are intended to protect. Ibid. ("Due process requires that a default judgment be vacated for lack of personal jurisdiction."). The rules, designed to safeguard due process, were not followed and the resulting prejudice suffered by Tao – the forfeiture of property – was significant.

Plaintiff also argues the trial court erred to the extent it found service defective only as to Matthews but then allowed any defendant to redeem the tax sale certificate. The trial court found service defective only "as to Mr. Matthews" but then ruled "enough issues have been raised by the moving parties to question the validity of the service of process, that I am granting the

motion – both motions to vacate default, and any judgment extending therefrom." The trial court entered an order allowing "defendant, or any other party be allowed to redeem the tax sale certificate . . . ." Notably, because Delaware Trust, who ultimately redeemed the certificate, was already a named defendant as junior creditor, it did not need to move to intervene for redemption pursuant to Rule 4:33 and Simon v. Cronecker, 189 N.J. 304, 319 (2007). The court did not err in allowing any party to redeem.

As our Supreme Court recently noted in Green Knight Cap., LLC v. Calderon, 252 N.J. 265 (2022):

> The Tax Sale Law . . . . declares that once a foreclosure action is commenced, "the right to redeem shall exist and continue until barred by the judgment of the Superior Court." N.J.S.A. 54:5-86(a). And Rule 4:64-6(b) similarly declares that "[r]edemption may be made at any time until the entry of final judgment."
>
> [Id. at 277.]

Pursuant to the plain language of both the tax sale law, N.J.S.A. 54:5-86(a), and Rule 4:64-6(b), the right to redeem exists until barred by a final judgment of the Superior Court. When final judgment in a tax sale foreclosure is correctly vacated given defective service upon one defendant, our jurisprudence requires reopening of the period for redemption, because no

valid final judgment exists.[5] Here, vacating the final judgment by default that was issued in error allowed any party with the right of redemption to redeem.

Affirmed.

[5] We note tax sale foreclosure law, and the court rules contain time limits to reopen or vacate a final judgment. See N.J.S.A. 54:5-104.67; R. 4:50-2. Delaware Trust, Tao, and Matthews moved to vacate less than two months after final judgment was entered, well-within the time parameters contemplated by either the caselaw or court rules.