

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-3630-21**

1, 2, 3 MATADERO PR, INC.,

Plaintiff-Respondent,

v.

CALLANDS CONSTRUCTION,  
LLC,

Defendant,

and

STEPHEN CALLANDS,

Defendant-Appellant.

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Submitted September 27, 2023 – Decided October 20, 2023

Before Judges Haas and Puglisi.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Union County, Docket No. F-  
022434-18.

Stephen Callands, appellant pro se.

Crawford & DeSantis, LLP, attorneys for respondent  
(Michael J. DeSantis, on the brief).

PER CURIAM

Defendant Stephen Callands appeals from the trial court's July 8, 2022, order denying his motion to expunge the deed following a sheriff's sale of his properties. We affirm substantially for the reasons set forth in the court's well-reasoned opinion.

Plaintiff filed its complaint in foreclosure on November 18, 2018, which involved a mortgage on defendant's three properties located in Plainfield (properties). Defendant did not file an answer to the complaint, and plaintiffs were granted summary judgment by order dated May 4, 2022. Plaintiff obtained a clerk entry default on February 5, 2021, followed by a final judgment and writ of execution on April 7, 2021. A special master was appointed to conduct the sale, which was originally scheduled for September 24, 2021. The sale notice was advertised in two major newspapers for four consecutive weeks, posted at the Union County Sheriff's Office and at the properties. The advertisement for foreclosure was also served on defendant by regular and certified mail, return receipt requested, at his residence. The sale was postponed to October 6, 2021, and these notices were posted at the Sheriff's Office and the properties, and again

served on defendant by regular and certified mail, return receipt requested, at his residence.

The sale took place on October 6, 2021, at which time the properties were sold to plaintiff's assignee, Marnat Realty, LLC, as the highest bidder. Defendant did not file a timely objection within ten days of the sale as permitted by Rule 4:65-5, and the deed transferring the properties to plaintiff's assignee was recorded with the Union County Clerk on February 3, 2022.

After the trial court denied defendant's motion to vacate final judgment and two motions for reconsideration, defendant filed a motion to expunge the deed based on his claim there was evidence of mistake or other irregularities in the sheriff's sale. He claimed the sale was not conducted in accordance with statutory requirements; specifically, he contended the sheriff did not file a report of sale, the court's records did not reflect the details of the sale, and there was no evidence of payment to the special master as the selling officer.

The court noted defendant raised the same issues in the motion to expunge as he unsuccessfully advanced in his three prior motions. In denying the motion, the court reiterated its prior findings: defendant was served with notice of the sheriff's sale in conformance with Rule 4:65-2; and plaintiff provided a copy of the special master's deed, which indicated that on October 27, 2021, the

properties were deeded to plaintiff's assignee as the highest bidder at the sheriff's sale that took place on October 6, 2021. Finding no irregularities in the conduct of the sale, the court found it would not be appropriate to expunge the deed. This appeal followed.

Although styled as a motion to vacate the deed, defendant sought to vacate the sheriff's sale of his properties. We review motions to set aside a sheriff's sale for abuse of discretion. United States v. Scurry, 193 N.J. 492, 502-03 (2008). Rule 4:65-2 requires "notice of the [sheriff's] sale . . . be posted in the office of the sheriff of the county . . . where the property is located, and also, in the case of real property, on the premises to be sold . . . ." In addition, "at least [ten] days prior to the date set for sale, [the party obtaining the order or writ shall] serve a notice of sale by registered or certified mail, return receipt requested," on "every party who has appeared" and the "owner of record." Ibid. A party objecting to a sheriff's sale must have a valid basis for the objection, such as "fraud, accident, surprise, irregularity, or impropriety in the sheriff's sale." Brookshire Equities, LLC v. Montaquiza, 346 N.J. Super. 310, 317 (App. Div. 2002) (citations omitted).

We are satisfied the court did not abuse its discretion by denying the motion to vacate the sheriff's sale. The record reflects plaintiff properly served

defendant with the notice of the sheriff's sale and the sale was conducted by a special master, who certified the properties were sold to plaintiff's assignee as the highest bidder. After no timely objection was made, the properties were deeded to plaintiff's assignee.

To the extent we have not expressly addressed any issues raised by defendant, it is because they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

  
CLERK OF THE APPELLATE DIVISION