

Attorney(s): Adam J. Steuerman, Esquire  
Attorney Id No.: 15232003  
Law Firm: Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman  
Address: 501 Trenton Avenue  
P.O. Box 1347  
Point Pleasant Beach, NJ 08742  
Telephone No.: (732) 892-1000  
Fax No.: (732) 892-1075  
E-mail: asteuerman@lawyernjshore.com  
Attorney(s) for Plaintiff(s): 641 ARNOLD AVE LLC

641 ARNOLD AVE LLC

Plaintiff(s)

vs.

637 ARNOLD LLC

Defendant(s)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY EQUITY DIVISION  
OCEAN COUNTY

DOCKET NO.: C-194-18

CIVIL ACTION

## Summons

FROM THE STATE OF NEW JERSEY


To the Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is provided and available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf)) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$ 175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey statewide hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is provided and available in the Civil Division Management Office in the county listed above and online at [http://www.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

Date: **October 3, 2018**

  
Michelle M. Smith  
Clerk of the Superior Court

Name of Defendant to be Served: **637 ARNOLD LLC**

Address of Defendant to be Served: **1005 Trenton Avenue, Unit 4, Point Pleasant Beach, NJ 08742**

# **Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices**

## **ATLANTIC COUNTY**

Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Blvd., First Floor  
Atlantic City, NJ 08401  
**LAWYER REFERRAL**  
(609) 345-3444  
**LEGAL SERVICES**  
(609) 348-4200

## **BERGEN COUNTY**

Deputy Clerk of the Superior Court  
Civil Division, Room 115  
Justice Center, 10 Main Street  
Hackensack, NJ 07601  
**LAWYER REFERRAL**  
(201) 488-0044  
**LEGAL SERVICES**  
(201) 487-2166

## **BURLINGTON COUNTY**

Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First Floor, Courts Facility  
49 Rancocas Road  
Mt. Holly, NJ 08060  
**LAWYER REFERRAL**  
(609) 261-4862  
**LEGAL SERVICES**  
(609) 261-1088

## **CAMDEN COUNTY**

Deputy Clerk of the Superior Court  
Civil Processing Office  
Hall of Justice, First Floor  
101 South Fifth Street, Suite 150  
Camden, NJ 08103  
**LAWYER REFERRAL**  
(856) 482-0618  
**LEGAL SERVICES**  
(856) 964-2010

## **CAPE MAY COUNTY**

Deputy Clerk of the Superior Court  
9 North Main Street  
Cape May Court House, NJ 08210  
**LAWYER REFERRAL**  
(609) 463-0313  
**LEGAL SERVICES**  
(609) 465-3001

## **CUMBERLAND COUNTY**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
60 West Broad Street, P.O. Box 10  
Bridgeton, NJ 08302  
**LAWYER REFERRAL**  
(856) 696-5550  
**LEGAL SERVICES**  
(856) 691-0494

## **ESSEX COUNTY**

Deputy Clerk of the Superior Court  
Civil Customer Service  
Hall of Records, Room 201  
465 Dr. Martin Luther King Jr. Blvd.  
Newark, NJ 07102  
**LAWYER REFERRAL**  
(973) 622-6204  
**LEGAL SERVICES**  
(973) 624-4500

## **GLOUCESTER COUNTY**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake, First Floor, Court House  
1 North Broad Street  
Woodbury, NJ 08096  
**LAWYER REFERRAL**  
(856) 848-4589  
**LEGAL SERVICES**  
(856) 848-5360

## **HUDSON COUNTY**

Deputy Clerk of the Superior Court  
Superior Court, Civil Records Department  
Brennan Court House, First Floor  
583 Newark Avenue  
Jersey City, NJ 07306  
**LAWYER REFERRAL**  
(201) 793-2727  
**LEGAL SERVICES**  
(201) 792-6363

## **HUNTERDON COUNTY**

Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08822  
**LAWYER REFERRAL**  
(908) 236-6109  
**LEGAL SERVICES**  
(908) 782-7979

## **MERCER COUNTY**

Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 South Broad Street, P.O. Box 8068  
Trenton, NJ 08650  
**LAWYER REFERRAL**  
(609) 585-6200  
**LEGAL SERVICES**  
(609) 695-6249

## **MIDDLESEX COUNTY**

Deputy Clerk of the Superior Court  
Middlesex Vicinage  
Second Floor - Tower  
56 Paterson Street, P.O. Box 2633  
New Brunswick, NJ 08903-2633  
**LAWYER REFERRAL**  
(732) 828-0053  
**LEGAL SERVICES**  
(732) 249-7600

## **MONMOUTH COUNTY**

Deputy Clerk of the Superior Court  
Court House  
P.O. Box 1269  
Freehold, NJ 07728-1269  
**LAWYER REFERRAL**  
(732) 431-5544  
**LEGAL SERVICES**  
(732) 866-0020

## **MORRIS COUNTY**

Morris County Courthouse  
Civil Division  
Washington and Court Streets  
P.O. Box 910  
Morristown, NJ 07963-0910  
**LAWYER REFERRAL**  
(973) 267-5882  
**LEGAL SERVICES**  
(973) 285-6911

## **OCEAN COUNTY**

Deputy Clerk of the Superior Court  
118 Washington Street, Room 121  
P.O. Box 2191  
Toms River, NJ 08754-2191  
**LAWYER REFERRAL**  
(732) 240-3666  
**LEGAL SERVICES**  
(732) 341-2727

## **PASSAIC COUNTY**

Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton Street  
Paterson, NJ 07505  
**LAWYER REFERRAL**  
(973) 278-9223  
**LEGAL SERVICES**  
(973) 523-2900

## **SALEM COUNTY**

Deputy Clerk of the Superior Court  
Attn: Civil Case Management Office  
92 Market Street  
Salem, NJ 08079  
**LAWYER REFERRAL**  
(856) 935-5629  
**LEGAL SERVICES**  
(856) 691-0494

## **SOMERSET COUNTY**

Deputy Clerk of the Superior Court  
Civil Division  
P.O. Box 3000  
40 North Bridge Street  
Somerville, NJ 08876  
**LAWYER REFERRAL**  
(908) 685-2323  
**LEGAL SERVICES**  
(908) 231-0840

## **SUSSEX COUNTY**

Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860  
**LAWYER REFERRAL**  
(973) 267-5882  
**LEGAL SERVICES**  
(973) 383-7400

## **UNION COUNTY**

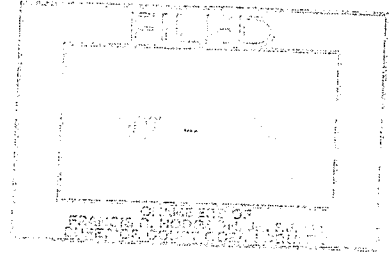
Deputy Clerk of the Superior Court  
First Floor, Court House  
2 Broad Street  
Elizabeth, NJ 07207-6073  
**LAWYER REFERRAL**  
(908) 353-4715  
**LEGAL SERVICES**  
(908) 354-4340

## **WARREN COUNTY**

Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvidere, NJ 07823-1500  
**LAWYER REFERRAL**  
(908) 859-4300  
**LEGAL SERVICES**  
(908) 475-2010

*Updated: 8/21/13*

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501 Trenton Avenue  
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Email: [asteuerman@lawvernishore.com](mailto:asteuerman@lawvernishore.com)  
Attorney(s) for Plaintiffs



641 ARNOLD AVE LLC : SUPERIOR COURT OF NEW JERSEY  
Plaintiff, : OCEAN COUNTY  
: CHANCERY DIVISION -GENERAL EQUITY  
v. : Docket No. *C 194-18*  
637 ARNOLD LLC, : CIVIL ACTION  
Defendant. : ORDER TO SHOW CAUSE WITH  
RESTRAINTS

THIS MATTER being opened to the Court by Adam J. Steuerman, Esquire, attorney on behalf of the Plaintiff, 641 Arnold Ave LLC, and notice having been given to the Defendant; and the Plaintiff seeks, by this Complaint and Order to Show Cause, to move under N.J.S.A. 2A:28-1, for the appointment of Commissioners to fix the disputed boundary line between the parties, and for good cause shown;

IT IS on this 1st day of October 2018, ORDERED that the Defendant shall show cause before this court at the Superior Court of New Jersey Ocean County, Chancery Division, located at the Ocean County Courthouse, Toms River, New Jersey, at 9:00 o'clock a.m., or as soon thereafter as counsel may be heard, why an Order should not be entered as follows:

*On November 9th, 2018 at 11:00 AM*

A. For the appointment of three (3) disinterested Commissioners pursuant to N.J.S.A 2A:28-1 to fix the boundary line between the parties;

B. That the Commissioners so appointed file their report with the court within such time as the court shall prescribe; and

~~IT IS FURTHER ORDERED that, pending a determination by the Commissioners, the Defendant be and is hereby restrained from encroaching into the disputed area along the common property line of the parties. This restraint shall include but is not limited to the placement of any temporary or permanent structure, construction materials and dumpsters.~~

IT IS FURTHER ORDERED that the Defendants file and serve any papers in opposition to Plaintiffs' application for the relief as set forth above by November 1, 2018, and Plaintiff shall file and serve reply papers by November 5, 2018; and

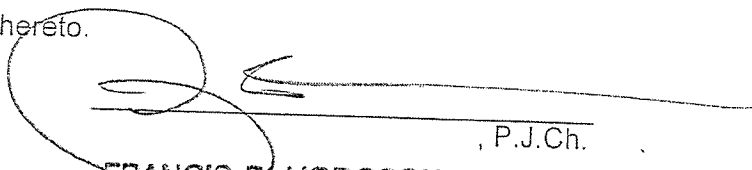
IT IS FURTHER ORDERED, that if Defendant does not file opposition papers, the Plaintiffs' application will be decided on the papers on the return date and relief granted by default, provided proof of service is filed at least three (3) days before the return date; and

IT IS FURTHER ORDERED that a copy of this Order to Show Cause, Verified Complaint and all supporting papers be served upon the Defendant by personal service pursuant R.4:4-4 of the rules of court.

**NOTICE TO DEFENDANT – LEGAL REPRESENTATION**

If you cannot afford an attorney, free legal advice may be obtained from the Legal Services offices whose name and address are affixed hereto.

If you do not have an attorney and are not eligible for legal assistance, you may obtain a referral to an attorney by calling the County Bar Association/Lawyer Referral Services offices in your county, the name and addresses of which are affixed hereto.



, P.J.Ch.  
FRANCIS R. HODGSON, JR. P.J. Ch

Adam J. Steuerman, Esquire, ID #015232003  
Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman  
501 Trenton Avenue  
P. O. Box 1347  
Point Pleasant Beach, NJ 08742  
(732) 892-1000  
Fax: 732-892-1075  
Email: [asteuerman@lawyernjshore.com](mailto:asteuerman@lawyernjshore.com)  
Attorney(s) for Plaintiffs

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641 ARNOLD AVE LLC	:	SUPERIOR COURT OF NEW JERSEY
	:	OCEAN COUNTY
Plaintiff,	:	CHANCERY DIVISION –GENERAL EQUITY
v.	:	Docket No.
637 ARNOLD LLC,	:	CIVIL ACTION
Defendant.	:	ORDER

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**THIS MATTER** being brought before the Court by Adam J. Steuerman, Esq., attorney on behalf of the Plaintiff, by way of Order to Show Cause for the appointment of three (3) disinterested Commissioners to fix and ascertain boundary lines between the real property owned by the parties, and the Court, upon hearing, having determined that it is appropriate to appoint Commissioners pursuant to N.J.S.A. 2A:28-1;

**IT IS** on this \_\_\_\_ day of \_\_\_\_\_, 2018, **ORDERED** as follows:

1. The following designated persons shall be appointed as Commissioners: \_\_\_\_\_ and \_\_\_\_\_, and that such persons shall promptly be directed to go on the premises and survey all disputed lines which are in controversy between the parties in this action, to make \_\_\_\_\_ copies of a map of the survey, and file a

report, together with the maps, with this Court prior to \_\_\_\_\_, 2018; and

2. The clerk of this Court shall promptly furnish a copy of this Order to the named Commissioners.

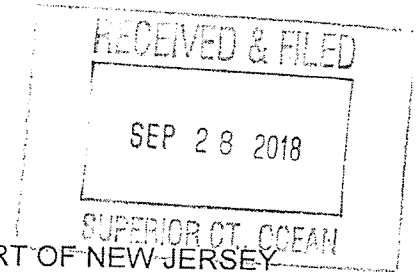
**IT IS FURTHER ORDERED** that the Defendant, 637 Arnold LLC, shall be restrained or enjoined from extending or expanding any encroachment into the disputed area along the common property line of the parties, which area shall be defined as the .5 foot area where the properties adjoin as shown on the survey prepared by Stanley Hans, Jr. PLS, PP. dated June 2, 2017, attached to the Verified complaint as Exhibit A, which is attached to this Order as Exhibit 1. This restraint shall include but is not limited to the expansion of any building or improvement.

**IT IS FURTHER ORDERED** that a copy of this Order shall be served upon the Defendant, 637 Arnold LLC, within seven (7) days of its receipt by movant.

\_\_\_\_\_, P.J.Ch.



Adam J. Steuerman, Esquire, ID #015232003  
Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman  
501 Trenton Avenue  
P. O. Box 1347  
Point Pleasant Beach, NJ 08742  
(732) 892-1000  
Fax: 732-892-1075  
Email: [asteuerman@lawyernjshore.com](mailto:asteuerman@lawyernjshore.com)  
Attorney(s) for Plaintiffs



641 ARNOLD AVE LLC : SUPERIOR COURT OF NEW JERSEY  
Plaintiff, : OCEAN COUNTY  
v. : CHANCERY DIVISION - GENERAL EQUITY  
637 ARNOLD LLC, : Docket No. C 194-18  
Defendant. : CIVIL ACTION  
VERIFIED COMPLAINT

Plaintiff, 641 Arnold Avenue LLC, with mailing address of 800 Walnut Avenue, Point Pleasant Beach, New Jersey, by way of Complaint against the Defendant, says:

**FIRST COUNT**

1. Plaintiff is the owner of certain property located in the Borough of Point Pleasant Beach, County of Ocean, State of New Jersey and known as tax Lot 3, Block 202 on the tax map of the Borough of Point Pleasant Beach.

2. Plaintiff acquired title to this property by Deed dated June 21, 2017, which Deed was between Marilyn Schwebel, Trustee of the Schwebel Family Trust, Grantor, and 641 Arnold Avenue LLC, as Grantee. Said Deed was recorded in the Ocean County Clerk's office on July 7, 2017 in Book 16792 Page 1627.

3. A copy of a survey of Plaintiffs' property prepared for the Plaintiff by Stanley Hans Jr., P.L.S., PP, a Licensed Land Surveyor, dated June 2, 2017, is attached as Exhibit A.

4. The Defendant, 637 Arnold LLC, having a principal place of business at 637 Arnold Avenue, Point Pleasant Beach NJ 08742, owns real property commonly known as 637 Arnold Avenue, Borough of Point Pleasant Beach, New Jersey. Said property is also known as Lot 2; Block 202 on the tax map of the Borough of Point Pleasant Beach. The Defendant acquired title to this property by Deed dated December 22, 2015 (delivered December 29, 2015) from Bons LLC, which Deed was recorded in the Ocean County Clerk's office on December 31, 2015, in Book 16280 at page 1550. Said property is adjacent to the property of Plaintiffs'.

5. Plaintiffs survey identified a .5' building overlap pertaining to Defendants smaller commercial building (identified on Survey as Adj. Commercial Building No. 639)

6. Defendant denied the encroachment and claimed to rely upon its survey.

7. A copy of the Defendant's survey prepared by Morris Surveyors, Inc and dated December 15, 2015 (originally dated November 24, 2001), is attached hereto as Exhibit B.

8. A boundary dispute has arisen between Plaintiff and Defendant as to the true boundaries between their respective properties.

9. This application is made under N.J.S.A. 2A:28-1 to secure the appointment of Commissioners to fix the line between the parties.

10. No other persons have any interest in either of these said parcels of land.

**WHEREFORE**, Plaintiff demands judgment as follows:

A. That the Court appoint three (3) disinterested Commissioners to fix the line between the parties.

- B. That the Commissioners so appointed file their report with the Court.
- C. That the Court fix a date to hear the matter in Summary manner.

### SECOND COUNT

1. The Plaintiff repeats the allegations as set forth in the First Count of the Complaint as if same were set forth herein at length.

2. Plaintiff is in peaceable possession and claims ownership of the lands and premises described in a metes and bounds description set forth in Exhibit C annexed.

3. Plaintiff's title to said lands and premises, or to some part of thereof, is denied or disputed by the Defendant. Defendant claims to own a disputed portion of the property.

4. No suit of action is pending to enforce or test the validity of such titles, claims or encumbrances.

5. No suit of action other than this suit or action can be maintained to test the validity the titles, claims or encumbrances of Defendant.

**WHEREFORE**, Plaintiff demands judgment as follows:

- A. Fixing, settling and determining the rights of all the parties to this sit in and to the lands and premises described in this Complaint.
- B. Adjudging that the Defendant has no estate, interest or right in, or lien or encumbrance upon the aforesaid lands and premises, or any part thereof; and
- C. Adjudging that Plaintiff has a perfect title to said lands and premises.

### DEMAND FOR PRODUCTION OF STATEMENTS

This party demands that each other party produce and serve upon this party a true and complete copy of any statements allegedly made by this party or

any other party to this litigation (Pursuant to Rule: 4:10-2).

**CERTIFICATION PURSUANT TO RULE 4:5-1**

Pursuant to Rule 4:5-1 and based on information known to the undersigned at the time of the filing of this pleading, there are no other actions or arbitration proceedings relating to this lawsuit which are pending or presently contemplated and there are no other persons who should be joined as parties.

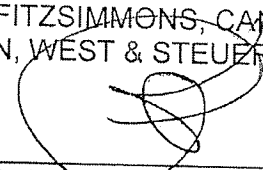
**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Raymond D. Bogan, Esquire or Adam J. Steuerman, Esquire, are hereby designated as Trial Counsel on behalf of the Plaintiff.

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 9/25/2018

SINN, FITZSIMMONS, CANTOLI,  
BOGAN, WEST & STEUZERMAN

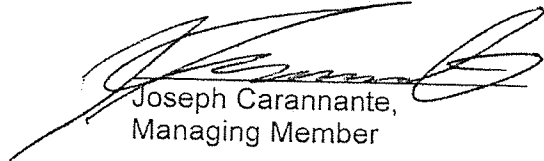
By:   
Adam J. Steuerman, Esquire  
Attorney for Plaintiff

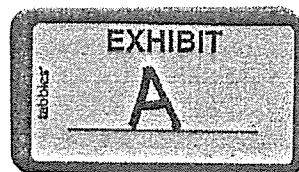
VERIFICATION

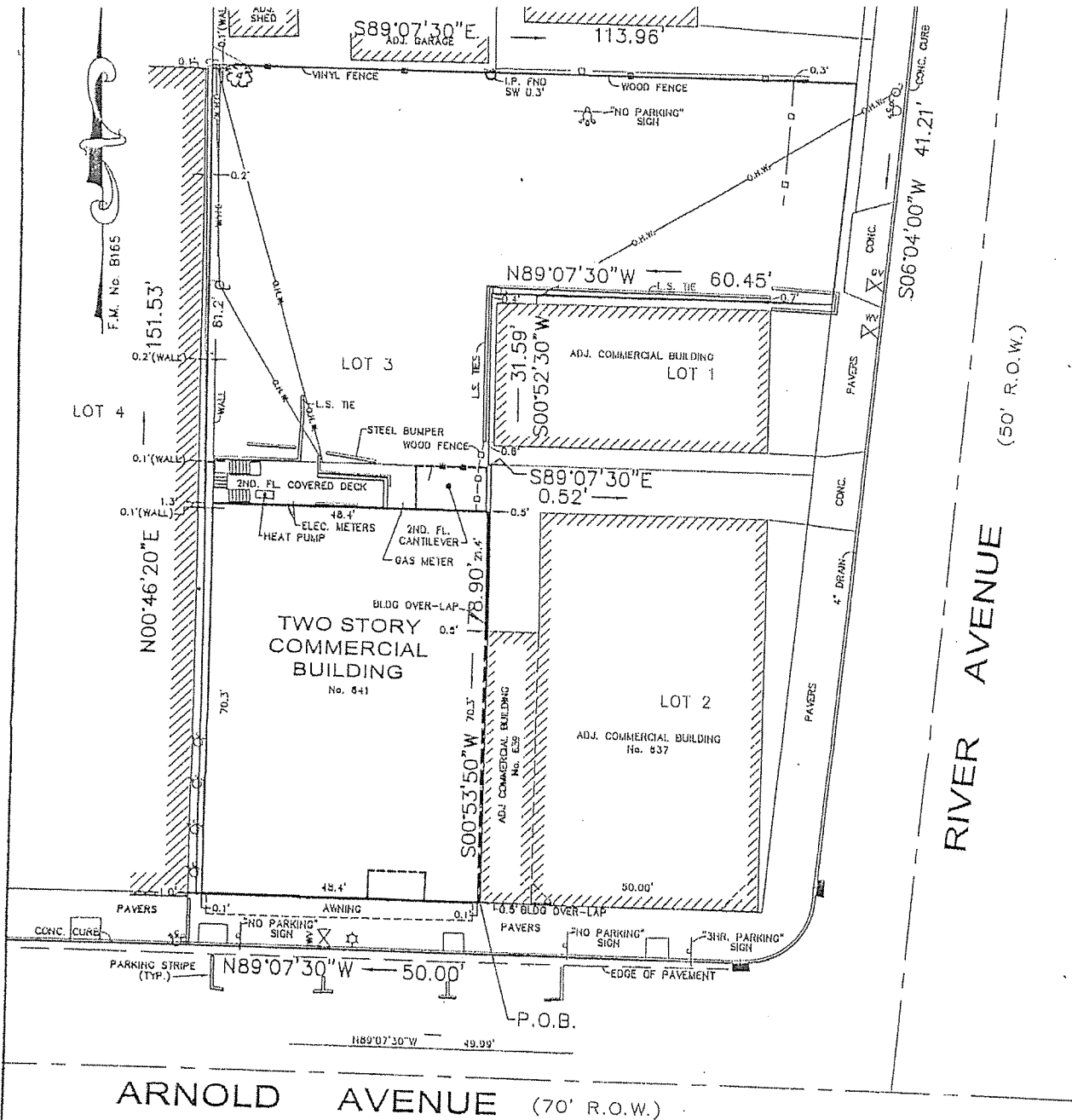
1. We are the Plaintiff in the within Verified Complaint.
2. We have read the contents of the within Verified Complaint.
3. The statements made in the within Verified Complaint are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

641 Arnold Avenue LLC

Dated: September 25, 2018

  
Joseph Carannante,  
Managing Member





#### DEED DESCRIPTION

BEING KNOWN AND DESIGNATED AS LOT 3 IN BLOCK 2, AS SHOWN ON A MAP ENTITLED "MAP OF LANDS BELONGING TO MARY C. ARNOLD TRACT", AS FILED IN THE OCEAN COUNTY CLERK'S OFFICE ON MAY 31, 1893 AS MAP No. B165.

ALSO KNOWN AS LOT 3 IN BLOCK 2.02 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF POINT PLEASANT BEACH. UNDERGROUND UTILITIES NOT SHOWN SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD.

This certification is made only to herein named parties for purchase and/or mortgage of herein delineated property by the named purchaser. The responsibility or liability is assumed by Surveyor for use of survey for any other purpose including, but not limited to, use of survey for survey affidavit, resale of property, or to any other person not listed in certification, either directly or indirectly. Property corners have been set per contractual agreement.

CERTIFIED TO:  
641 Arnold Avenue, LLC  
Sinn, Fitzsimmons, Cantoli, Bogan,  
West & Steuerman  
Property Transfer Services, INC.  
Old Republic National Title

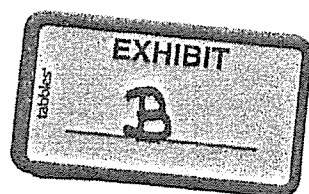
*Stanley Hans Jr.*  
STANLEY HANS JR., P.L.S., P.P.  
N.J. PROFESSIONAL LAND SURVEYOR LICENSE # 29182  
N.J. PROFESSIONAL PLANNER LICENSE # 2877

#### SKETCH OF SURVEY FOR: 641 ARNOLD AVENUE

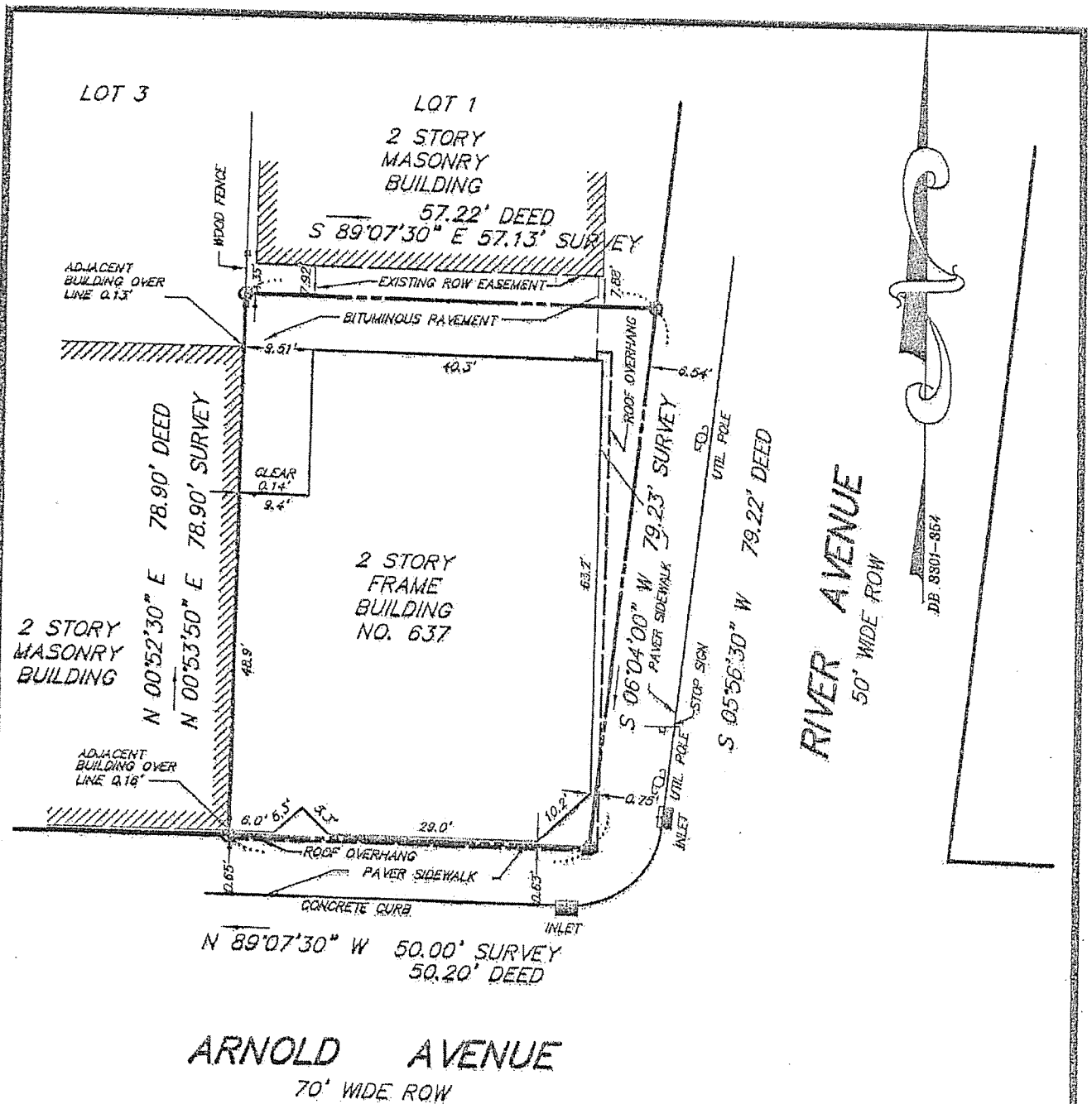
LOT 3 IN BLOCK 2.02  
BOROUGH OF POINT PLEASANT BEACH  
OCEAN COUNTY, NEW JERSEY  
R.C. BURDICK, P.E., P.P., P.C.  
CONSULTING ENGINEERS • SURVEYORS  
PLANNING • ENVIRONMENTAL PERMITTING  
1023 OCEAN ROAD  
POINT PLEASANT, NJ 08742  
(732)892-8050 FAX (732)892-5888

DATE:  
06/02/17  
SCALE:  
1" = 20'  
JOB No.:  
7047  
CARANNANTE  
SHEET

ROBERT C. BURDICK  
NJ PROFESSIONAL ENGINEER #30929  
NJ PROFESSIONAL PLANNER #04363







DEED REF.: DEED BOOK 3301, PAGE 354

REVISED 12/14/15 - UPDATE SURVEY

SURVEY OF PROPERTY  
LOT 2 BLOCK 202  
COUNTY OF EASANT BEACH TAX MAP

MORRIS SURVEYORS, INC.  
LAND SURVEYING  
1119 ARNOLD AVENUE

# ARNOLD AVENUE

70' WIDE ROW

DEED REF.: DEED BOOK 3301, PAGE 354

REVISED 12/14/15 - UPDATE SURVEY

**SURVEY OF PROPERTY**  
**LOT 2 BLOCK 202**  
*POINT PLEASANT BEACH TAX MAP*

POINT PLEASANT BEACH BOROUGH  
OCEAN COUNTY NEW JERSEY  
Filed Map No. DATE FILED

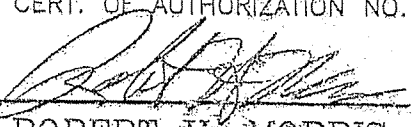
THIS SURVEY IS CERTIFIED AS HAVING BEEN PREPARED  
UNDER MY DIRECT SUPERVISION TO:

637 ARNOLD LLC  
SCOTT P. DOLAN  
PEGASUS TITLE AGENCY  
MANASQUAN BANK, its successors and/or assigns  
WILLIAM T. GAGE, ESQ.

**MORRIS SURVEYORS, INC.**

LAND SURVEYING  
1119 ARNOLD AVENUE  
POINT PLEASANT BOROUGH, N.J. 08742  
732-899-0965

CERT. OF AUTHORIZATION NO. 24GA28102100

  
**ROBERT H. MORRIS**

*12/15/15*  
Date

New Jersey Lic. Professional Land Surveyor No. 30090

I HEREBY CERTIFY THAT THIS SURVEY WAS ACTUALLY  
MADE ON THE GROUND AS PER RECORD DESCRIPTION  
AND IS CORRECT AND THERE ARE NO ENCROACHMENTS  
EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN

Date:

11/24/01

Scale:

1"=20'

Job No.

01-206

Map No.

7-776

SINN, FITZSIMMONS, CANTOLI, BOGAN, & STEUERMAN  
A PROFESSIONAL CORPORATION

DENNIS J. CANTOLI  
RAYMOND D. BOGAN  
ADAM J. STEUERMAN ✕

COUNSELORS AT LAW  
501 TRENTON AVENUE  
(AT HIGHWAY 35 NORTH)  
P.O. BOX 1347  
POINT PLEASANT BEACH, NJ 08742

TELEPHONE: 732-892-1000  
TELEFAX: 732-892-1075  
email address:  
asteuerman@lawyernjshore.com

RETIRED  
JACK F. SINN

OF COUNSEL

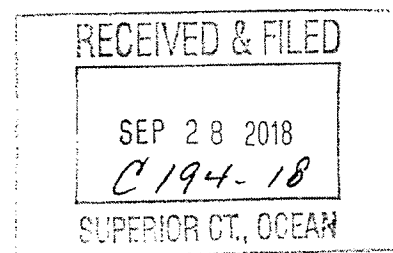
KENNETH B. FITZSIMMONS ±✕  
ROBERT B. WEST △✕  
JAMES H. CLAYTON

HENRY E. KORDES (1931-2008)

September 26, 2018

± RULE 1:40 QUALIFIED MEDIATOR  
△ ALSO ADMITTED IN VIRGINIA  
✕ ALSO ADMITTED IN PENNSYLVANIA  
✕ MEMBER, NATIONAL ACADEMY OF  
ELDER LAW ATTORNEYS, INC.

The Honorable Francis Hodgson, Jr., P.J.Ch. ✓  
Ocean County Superior Court  
120 Hooper Avenue  
Courtroom #16, 1<sup>st</sup> Floor  
Toms River, New Jersey 08754



Re: 641 Arnold Ave LLC v. 637 Arnold LLC  
Docket No:

Dear Judge Hodgson:

The undersigned represents the Plaintiff in the above referenced action.

Kindly accept this letter memorandum of law in lieu of a formal brief in support of Plaintiff's Order to Show Cause for the appointment of Commissioners to resolve a boundary dispute between Plaintiff and Defendant. The request for the appointment of Commissioners is made pursuant to N.J.S.A. 2A:28-1, which states as follows:

"When any dispute arises between the owners of adjoining lands as to the location of any dividing line or lines between such lands, Superior Court may, on application of either owner on notice to the other, appoint three disinterested commissioners, one of whom shall be a practical surveyor, who shall fix, ascertain and regulate such lines."

Since the primary relief being requested at this time by Plaintiff is for the appointment of Commissioners, this matter is appropriate to be heard as a summary action pursuant to R. 4:67-1(A).

The comment to that Rule states that the rule "is intended to accomplish the salutary purpose of swiftly and effectively disposing of matters which lend themselves to summary treatment while at the same time giving the Defendant an opportunity to be heard at the time Plaintiff makes his application on the question of whether or not summary disposition is appropriate."

The appointment of Commissioners should not require testimony. Counsel for both sides can submit to the Court at the time of hearing the reasons for or against the appointment of Commissioners and the Court can make its decision.

On behalf of Plaintiff, the appointment of Commissioners, including a surveyor, allows those who are going to make a decision the ability to go to the property, review such surveys and Deeds as may be necessary, and ultimately make a decision much more quickly than if the matter was placed on the Court's trial calendar and ultimately heard in the form of a trial.

Plaintiff is also seeking a preliminary restraint prohibiting the Defendant from further encroaching into the area which is in dispute pending a resolution of this case. Defendant has in the past and it is believed will, in the future, continue to make and locate site improvements on the Plaintiff's property.

When reviewing a request for preliminary restraints, the court is controlled by the Supreme Court decision in Crowe v. DeGioia, 90 N.J. 126,132, which set forth a uniform standard for determining the right to injunctive relief. Under that case the court found

that the moving party must demonstrate: (1) irreparable harm is likely if the relief is denied, irreparable harm being harm that cannot be adequately redressed by money damages; (2) the applicable underlying law is well-settled; (3) the material facts are not controverted and **there exists** a reasonable probability of ultimate success by movant on the merits; and (4) the balance of the hardship to the parties favors the issuance of the requested restraints.

In seeking an injunction to preserve the status quo, the courts have taken a less stringent interpretation of the Crow standards. In Waste Management of New Jersey, Inc. v. Union Utilities Authority, 399 N.J. Super. 508, 520 (App. Div. 2008), the court held that "a court may make a less ridged view than it would after a final hearing when the interlocutory injunction is merely designed to preserve the status quo." In Brown v. City of Paterson, 424 N.J. Super, 176, 183 (App. Div. 2012) the court said that "in acting only to preserve the status quo, the court may 'place less emphasis on a particular Crowe factor if another greatly requires the issuance of the remedy.', citing *Waste Management*, supra, page at p.520."

In this case, the underlying law is well settled, that is a party cannot encroach on an adjoining property. With respect to ultimate success, Plaintiff has presented its survey. Plaintiff contends that Defendant is encroaching much further than what it showed in Defendant's survey but, at the very least, there is an encroachment shown on Defendant's survey.

Regarding the issue of irreparable harm, while certainly money can be utilized to correct any encroachments, it makes sense to avoid the need for extensive money damages if any further encroachments can stop pending further order of the court.

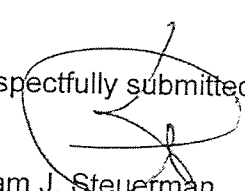
Finally, in balancing hardships, neither party will suffer hardship by the granting of the preliminary restraint.

For the reasons stated above, it is respectfully requested as follows:

A. That the Court grant a preliminary injunction restraining Defendant from further encroaching into the property claimed by Plaintiff;

B. That the Court appoint commissioners pursuant to N.J.S.A. 2A:28-1.

Respectfully submitted,

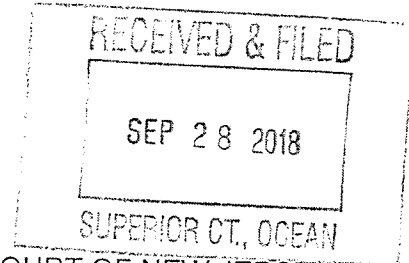
  
Adam J. Steuerman

AJS:mmi

Enc.

cc: Clerk, Chancery Division, General Equity  
641 Arnold Ave. LLC  
637 Arnold LLC (Via Certified Mail R.R.R. and First Class Mail)

Adam J. Steuerman, Esquire, ID #015232003  
Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman  
501 Trenton Avenue  
P. O. Box 1347  
Point Pleasant Beach, NJ 08742  
(732) 892-1000  
Fax: 732-892-1075  
Email: [asteuerman@lawyernjshore.com](mailto:asteuerman@lawyernjshore.com)  
Attorney(s) for Plaintiffs



641 ARNOLD AVE LLC : SUPERIOR COURT OF NEW JERSEY  
Plaintiff, : OCEAN COUNTY  
v. : CHANCERY DIVISION -GENERAL EQUITY  
637 ARNOLD LLC, :  
Defendant. : CIVIL ACTION  
: PLAINTIFFS' CERTIFICATION IN  
: SUPPORT OF ORDER TO  
: SHOW CAUSE

Joseph Carannante, being of full age, do hereby certify according to law and say:

1. I am the Managing Member of 641 Arnold Ave. LLC, the owner of certain real property commonly known as 641 Arnold Avenue, Point Pleasant Beach, New Jersey, Lot 3, Block 202.

2. We purchased this property on June 21, 2017. Prior to the purchase, we retained the services of Stanley Hans Jr., P.L.S., PP, a Licensed Land Surveyor. to prepare a survey showing the property lines and site conditions.

3. It has been determined that our property is being encroached upon by our easterly neighbor, the Defendant named herein, 637 Arnold LLC.

4. The Defendant was notified of the encroachment and stated that he did not agree with the property line as shown on our survey.

5. I requested a copy of his survey that he was relying upon, but did not

receive a copy of same until prior to the commencement of this matter.

6. A copy of the Defendant's Survey, attached hereto as Exhibit B, is flawed as it fails to account for the proper lot lines – which are not uniform but are the result of the combining of lots.

7. The subject of the encroachment is a building formally housed by "Beach Graffiti" which is located in the alleyway between the main buildings and attached to each by roofing membrane running up the walls of the main buildings.

8. Since purchasing the property, the Defendant has removed all the tenants and located dumpsters behind the building.

9. The Borough of Point Pleasant Beach is unaware of any construction efforts, but work is occurring at the Defendant's Property.

10. It is my intention to restructure/remodel the building on our Property.

11. Said work may result in damage to the "Beach Graffiti" structure as it is crudely attached to the 641 Arnold Avenue building.

12. Injunctive relief is necessary to avoid the neighbor from further encroaching into my property and constructing more improvements that may encumber the area.



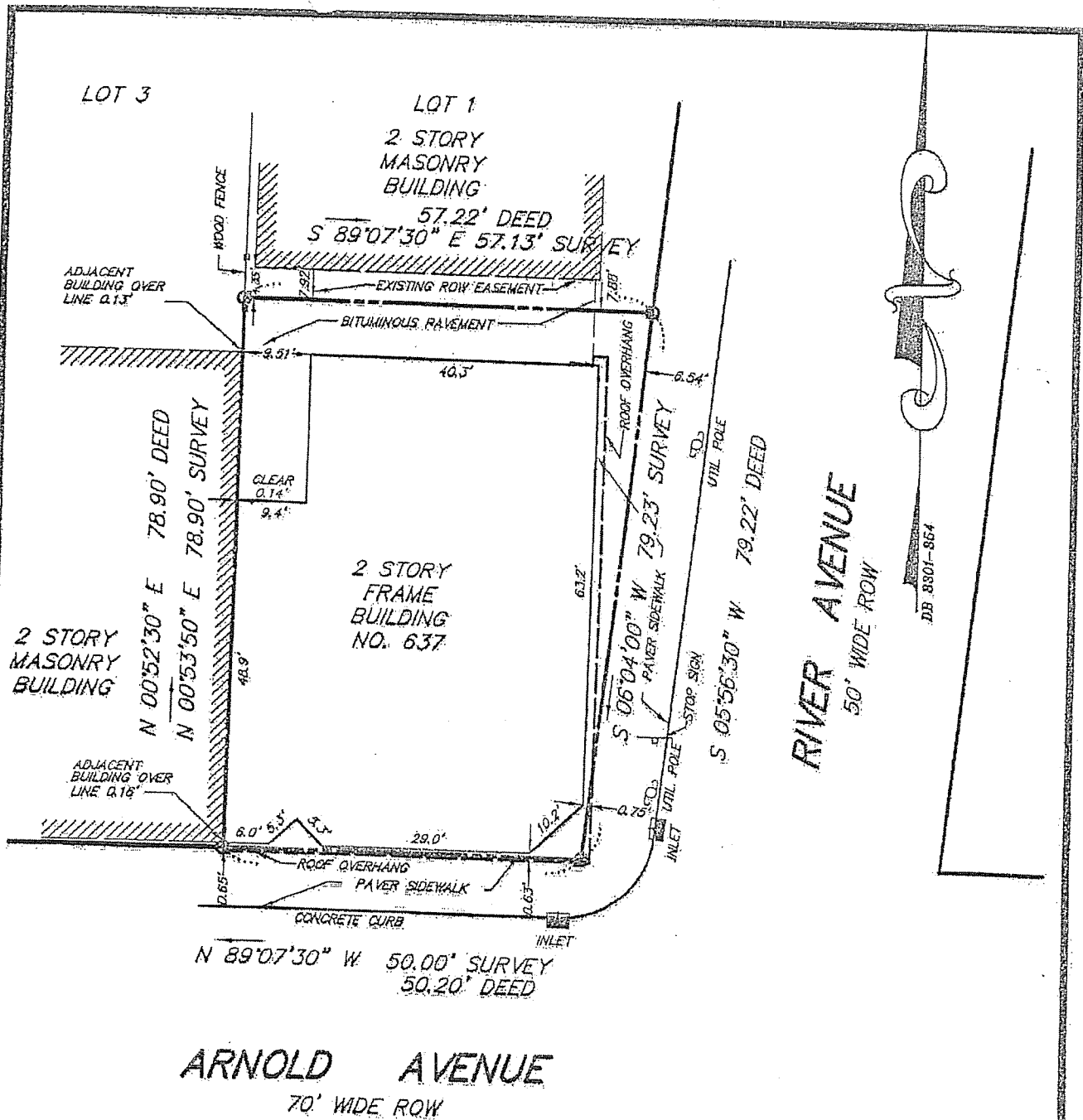
We hereby certify that the foregoing statements made by us are true. We are aware that if any of the foregoing statements made by us are willfully false, we are subject to punishment.

Dated: September 25, 2018



Joseph Carannante,  
Managing Member





DEED REF.: DEED BOOK 3301, PAGE 354

REVISED 12/14/15 - UPDATE SURVEY

**SURVEY OF PROPERTY**  
**LOT 2 BLOCK 202**  
DAVIDE B. CASCANT BEACH TAX MAP

**MORRIS SURVEYORS, INC.**  
LAND SURVEYING  
1119 ARNOLD AVENUE

# ARNOLD AVENUE

70' WIDE ROW

DEED REF.: DEED BOOK 3301, PAGE 354

REVISED 12/14/15 - UPDATE SURVEY

## SURVEY OF PROPERTY LOT 2 BLOCK 202 POINT PLEASANT BEACH TAX MAP

POINT PLEASANT BEACH BOROUGH  
OCEAN COUNTY NEW JERSEY  
Filed Map No. DATE FILED

THIS SURVEY IS CERTIFIED AS HAVING BEEN PREPARED  
UNDER MY DIRECT SUPERVISION TO:

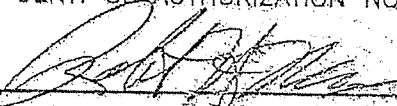
637 ARNOLD LLC  
SCOTT P. DOLAN  
PEGASUS TITLE AGENCY  
MANASQUAN BANK, its successors and/or assigns  
WILLIAM T. GAGE, ESQ.

I HEREBY CERTIFY THAT THIS SURVEY WAS ACTUALLY  
MADE ON THE GROUND AS PER RECORD DESCRIPTION  
AND IS CORRECT AND THERE ARE NO ENCROACHMENTS  
EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN.

## MORRIS SURVEYORS, INC.

LAND SURVEYING  
1119 ARNOLD AVENUE  
POINT PLEASANT BOROUGH, N.J. 08742  
732-899-0965

CERT. OF AUTHORIZATION NO. 24GA28102100

 12/15/15  
ROBERT H. MORRIS Date  
New Jersey Lic. Professional Land Surveyor No. 30090

Date:

11/24/01

Scale:

1"=20'

Job No.

01-206

Map No.

7-776