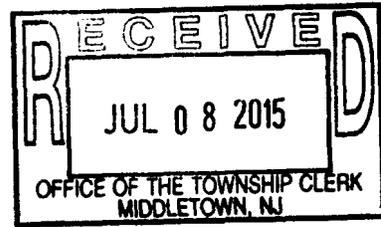


**ARCHER & GREINER P.C.**

Riverview Plaza  
10 Highway 35  
Red Bank, NJ 07701  
732-268-8000 Law Office  
bnelson@archerlaw.com

Attorneys for Declaratory Plaintiff, Township of Middletown  
By: Brian M. Nelson, Esq. (Attorney ID: 1352003)



**IN THE MATTER OF THE  
APPLICATION OF THE  
TOWNSHIP OF MIDDLETOWN,  
MONMOUTH COUNTY, a  
municipal corporation of the State  
of New Jersey.**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MONMOUTH COUNTY**

**DOCKET NO.: MON-L-**

Civil Case  
(Mount Laurel)

**CERTIFICATION OF PUBLIC NOTICE**

I, Brian M. Nelson, Esq., hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey and partner of the law firm of Archer & Greiner, P.C., attorneys for the petitioner, the Township of Middletown (the "Township"). In this capacity, I am familiar with the facts set forth herein.

2. On July 8, 2015, I caused to be sent via hand delivery an original and one (1) copy of Petitioner's Complaint for Declaratory Judgment Pursuant to the Mount Laurel Doctrine, CIS, Notice of Motion for Temporary Immunity, Brief in Support of Motion, Certification of Anthony Mercantante, Proposed Orders and this Certification of Public Notice upon:

Clerk, Law Division  
Monmouth County Superior Court  
71 Monument Park  
Freehold, New Jersey 07728

3. I have arranged for the Township Clerk to publish a Legal Notice notifying the public that the Township filed a Declaratory Complaint as sanctioned in the Mount Laurel

Doctrine, and further setting forth the details of the time and place that the Court will consider the Township's pending Motion for Temporary Immunity, which was filed simultaneously with the Declaratory Action referred to above. A true copy of the Legal Notice is attached hereto as **Exhibit A**. This Legal Notice will be published in the Township's official newspapers for legal notices, the *Star Ledger*, *The Two River Times* and *The Independent*, simultaneous with the filing of this Complaint and Motion. A copy of the Affidavit of Publication received from the newspaper(s) will be forwarded to the Court after it is received by this office.

4. On July 8, 2015, this office forwarded a copy of the Township's Declaratory Action, its Motion for Temporary Immunity, and all related documents filed in this matter, to the Township Clerk via email and instructed the Clerk to have the pleadings and other relevant documents available for inspection by the public. I also included a copy of the Legal Notice, and instructed the Clerk to post same in the Municipal Building.

5. In addition, I sent via certified mail the form letter attached hereto as **Exhibit B** to all members of the Service/Notice List attached hereto as **Exhibit C**.

6. The Service List is a comprehensive collection of (a) the members of the mandatory service list required by the Supreme Court in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council of Affordable Housing, 221 N.J. 1 (2015); (b) the known affordable housing advocacy groups in the region; (c) the members of the updated service list recently provided by COAH; (d) any additional persons or entities expressing an interest in creating affordable housing in town; and (e) any owners of property identified in the municipality's Housing Element and Fair Share Plan as potential and/or existing sources of affordable housing credits.

7. In light of these actions, in addition to the public notice published in the newspaper(s) referenced above, I have provided each member of the Service List with (a) actual

notice of the Township's Declaratory Action and its Motion for Temporary Immunity, and (b) an opportunity to be heard thereon.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**ARCHER & GREINER P.C.**  
Attorneys for Petitioner  
Township of Middletown

By:   
Brian M. Nelson

Dated: July 8, 2015

## LEGAL NOTICE

### TOWNSHIP OF MIDDLETOWN COUNTY OF MONMOUTH

#### **Notice Of Filing Of Declaratory Judgment Action Regarding the Township of Middletown's Compliance With Its Affordable Housing Obligations And Motion Seeking Temporary Immunity From *Mount Laurel* Litigation**

**PLEASE TAKE NOTICE** that the Township of Middletown ("Middletown") has filed a Complaint in the Superior Court of New Jersey, Law Division, Monmouth County seeking a declaratory judgment determining that Middletown has satisfied its obligation to provide its fair share of the region's affordable housing, providing Middletown with immunity from constitutional complaint, exclusionary zoning or builder's remedy litigation (collectively, "*Mount Laurel* Litigation"), and authorizing Middletown to use its affordable housing trust funds for any purposes authorized under law. This declaratory action is entitled to In the Matter of the Application of the Township of Middletown, County of Monmouth, a municipal corporation of the State of New Jersey and a docket number has not yet been assigned. Any interest party seeking to participate in this declaratory judgment action should consider consulting legal counsel and should be guided by the New Jersey Court Rules and by any Scheduling Orders entered by the Court in this action.

**PLEASE TAKE FURTHER NOTICE** that Middletown has also filed a motion in this declaratory judgment action seeking the entry of an Order providing Middletown with temporary immunity from *Mount Laurel* Litigation for a limited period of time as described within Middletown's motion papers. That motion is currently returnable **on Friday, August 7, 2015 at 9:00 a.m.** at the Monmouth County Courthouse in Freehold, New Jersey, but please be aware that the return date of the motion may be changed. For that reason, anyone wishing to file opposition to this motion should confirm the return date and the assigned judge with the Superior Court or with Middletown's General Special Counsel (whose contact information is listed below). Additionally, anyone wishing to file opposition to this motion must do so in writing within the time period set forth within the New Jersey Court Rules.

**PLEASE TAKE FURTHER NOTICE** that anyone who files any documents in response to Middletown's declaratory judgment action or in response to Middletown's motion for temporary immunity must file these documents with:

Clerk, Law Division  
Monmouth County Superior Court  
Post Office Box 1266  
71 Monument Park  
Freehold, New Jersey 07728-1266

**With copies to:**

Brian M. Nelson, Esq.  
Archer & Greiner, P.C.  
10 State Highway 35  
Red Bank, New Jersey 07701

	A	B	C	D		E	F	G	H
	Name	Title	Entity	Address 1	Address 2	City	ST	ZIP	
1	Hon. Stephanie C. Murray	Mayor	Township of Middletown	1 Kings Highway		Middletown	NJ	07748	
2	Brian M. Nelson, Esq.	Township Attorney	Archer & Greiner PC	10 Highway 35		Red Bank	NJ	07701	
3	Heidi R. Brunt	Municipal Clerk	Township of Middletown	1 Kings Highway		Middletown	NJ	07748	
4	Anthony Mercantante	Administrator	Township of Middletown	1 Kings Highway		Middletown	NJ	07748	
5	Sanyoita Chavan	Planner	Township of Middletown	1 Kings Highway		Middletown	NJ	07748	
6	Melissa Field	Director of Housing	Allies, Inc.	1262 Whithorse-Hamilton Sq Rd.	Bldg. A, Ste 101	Hamilton	NJ	08690	
7	Robin J. Byone	Partner	Enable, Inc.	13 Roszel Road	Ste B110	Princeton	NJ	08540	
8	Craig M. Gianetti, Esq.	Partner	Day Pitney	1 Jefferson Road		Parsippany	NJ	07054	
9	Adam Gordon, Esq.	Staff Attorney	Fair Share Housing Center	510 Park Blvd		Cherry Hill	NJ	08002	
10	Karl F. Hartkopf, PP, AICP	Director of Planning	NJ Business Action Center	Post Office Box 820		Trenton	NJ	08625	
11	Michael Steib, Esq.	Municipal Clerk	Borough of Atlantic Highlands	16 Cherry Tree Farm Rd.	Post Office Box 893	Middletown	NJ	07748	
12	Phillip Scaduto		Mountain Hill LLC	100 First Avenue		Atlantic Highlands	NJ	07716	
13	Carolyn Schwebel		Momouth County Planning Bd.	835 Highway 35	Post Office Box 278	Middletown	NJ	07748	
14	Ronald S. Laddell	Senior Vice President	AvalonBay Communities	79 Hamilton Avenue		Leonardo	NJ	07737	
15	Debra Hill		Meadowview Middletown LLC	Hall of Records	1 East Main Street	Freehold	NJ	07728	
16	Gary E. Fox		Fox & Melofchik LLC	517 Route 1 South	Ste 5500	Iselin	NJ	00830	
17	David Kinsey, PP, AICP		Kinsey & Hand	Copper Gables Professional Bldg.	1001 Dael Road	Ocean	NJ	07712	
18	Greg Kantor		American Properties	517 Route 1 South	Ste 2100	Princeton	NJ	08540	
19	Evan Podel		Hamilton Properties Group	1360 Clifton Avenue	Ste 240	Clifton	NJ	07712	
20	Elizabeth Semple		NIDEP	Post Office Box 402		Trenton	NJ	08625	
21	Tom Toronto	President	Bergen County United Way	6 Forest Avenue	Ste 210	Paramus	NJ	07652	
22	Stephen Elsdorfer, Esq.		Affordable Housing Alliance	59 Broad Street		Eatontown	NJ	07724	
23	Richard J. Hoff, Jr.		Hill Wallack	202 Carnegie Center	CN 5226	Princeton	NJ	08543	
24			Bisgaier Hoff	25 Chestnut Street	Suite 3	Haddonfield	NJ	08033	

**Archer & Greiner** P.C.  
ATTORNEYS AT LAW

Brian M. Nelson  
bnelson@archerlaw.com

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10 Highway 35  
Red Bank, NJ 07701  
732-268-8000 Law Office  
www.archerlaw.com

July 8, 2015

**TO:** Service List

**Re: In the Matter of Application of the Township of Middletown, County of Monmouth, a municipal corporation of the State of New Jersey**

To Whom It May Concern:

This office represents the Township of Middletown in Monmouth County in relation to the above-referenced matter. Attached please find a copy of the Public Notice that the Township of Middletown is publishing in its official newspapers, the *Star Ledger*, *The Two River Times* and *The Independent*. The Notice is self-explanatory. Copies of the relevant papers are on file and available for inspection at the Township of Middletown, Office of the Clerk, 1 Kings Highway, Middletown, New Jersey 07748, and with the New Jersey Superior Court, Law Division. In addition, if you, or your organization, are considering taking action in response to the attached Notice, we would be happy, as a courtesy, to facilitate the electronic delivery of these voluminous documents to you. To facilitate this process, please furnish us with an active email address with sufficient capabilities to accept large documentary attachments, or other methods that would allow for the uploading of more than 1,000 pages of pleadings and exhibits.

Very truly yours,

ARCHER & GREINER  
A Professional Corporation

By:   
Brian M. Nelson

BMN:fjd  
Enclosure.