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*Attorneys for Plaintiffs (Our File No. 63400-6)*

EMPIRE TF4 JERSEY HOLDINGS, LLC;  
 EMPIRE TF6 JERSEY HOLDINGS, LLC;  
 CHICKADEE INVESTMENTS, LLC; and  
 EMPIRE TF5 JERSEY HOLDINGS, LLC

Plaintiff(s),

v.

COMMUNITY CHAMPIONS  
 CORPORATION d/b/a PRO CHAMPS;  
 BOROUGH OF GLASSBORO; BOROUGH  
 OF PAULSBORO; TOWNSHIP OF  
 MONROE; and TOWNSHIP OF  
 DEPTFORD

Defendant(s).

SUPERIOR COURT OF NEW JERSEY  
 GLOUCESTER COUNTY  
 LAW DIVISION

DOCKET NO. L-597-17

*Civil Action*

**AMENDED COMPLAINT IN LIEU OF  
 PREROGATIVE WRIT FOR  
 DECLARATORY JUDGMENT**

Plaintiffs, Empire TF4 Jersey Holdings, LLC, Empire TF6 New Jersey Holdings, LLC and Empire TF5 Jersey Holdings, LLC with offices located at 57 West 36<sup>th</sup> Street, 9<sup>th</sup> Floor, New York, New York and Plaintiff, Chickadee Investments, LLC with offices located at 575 Route 70, 2<sup>nd</sup> Floor, Brick, New Jersey by way of Complaint against Defendants say:

**PRELIMINARY STATEMENT**

1. Plaintiffs, Empire TF4 Jersey Holdings, LLC, Empire TF6 Jersey Holdings, LLC, Empire TF5 Jersey Holdings, LLC and Chickadee Investments, LLC are assignees of municipal tax sale certificates in the State of New Jersey.
2. Plaintiffs are assignees of entities that go to tax sales in the State of New Jersey and invest in municipal tax sale certificates. By investing in municipal tax sale certificates said entities and their assignees enrich the municipal treasury by paying delinquent taxes and

restoring non-performing properties to the tax rolls thereby furthering the public policy within the State of New Jersey.

3. The Tax Sale Law as codified within N.J.S.A. 54:5-1 et. seq., provides a comprehensive scheme of legislation providing for not only the purchase of tax sale certificates but also for the foreclosure of same. These comprehensive statutes set forth how much an investor in a tax sale certificate must pay to a municipality in the State of New Jersey and said statutes comprehensively legislate this area.

4. Certain municipalities within the State of New Jersey have decided to pass ordinances requiring that foreclosed properties be registered with said municipality. Said ordinances require a fee to be paid for each year for the privilege of owning vacant property. These ordinances are designed as a back door attempt to raise revenue for municipalities and the amount of the fees have no reasonable relationship to the cost of keeping a register of vacant property even if same were allowed by state law.

5. Defendants, Borough of Glassboro, Borough of Paulsboro, Township of Monroe and Township of Deptford have passed such ordinances. Said ordinances have been drafted by Defendant, Community Champions Corporation d/b/a Pro Champs and agreements have been entered into through the County wherein "Pro Champs" keeps a registry of vacant property and charges property owners a fee for the privilege of owning vacant property.

6. On or about April 29, 2013, Assembly Bill No. 4031 was introduced into the Legislature to allow for the registration of certain vacant and abandoned properties and to allow municipalities the lawful authority to charge annual registration fees for same. Said bill would have authorized municipalities to establish a fee not more than \$250.00 to register a vacant abandoned property and to establish renewal fees not more than \$500.00 on the first renewal and not more than \$750.00 on subsequent renewals.

7. Assembly Bill No. 4031 was never enacted into law and the Legislature in the State of New Jersey has never enacted a statute authorizing the registration of vacant/abandoned properties.

8. Defendant, Borough of Glassboro on or about June 23, 2015, enacted Ordinance No. 15-25 requiring the registration of abandoned/vacant properties.

9. Defendant, Borough of Paulsboro, on or about July 19, 2016, enacted an ordinance requiring the registration of abandoned/vacant properties.

10. Defendant, Monroe Township, on or about July 27, 2015, enacted Ordinance No. 26-2015 requiring the registration of abandoned/vacant properties.

11. Defendant, Township of Deptford, on or about March 16, 2015, enacted an ordinance requiring the registration of abandoned/vacant properties.

12. The within Complaint alleges that enactment and enforcement of these ordinances are *ultra vires* and without any legal authority and that the municipalities are illegally collecting fees from Plaintiffs.

#### **FIRST COUNT**

1. Plaintiffs repeat and reallege each and every allegation contained in the preliminary statement as if fully set forth at length herein.

2. On or about July 11, 2013, Defendant, Borough of Glassboro conducted a public tax sale for unpaid municipal liens. Plaintiff, Empire TF6 Jersey Holdings, LLC's assignor was the successful bidder for Tax Sale Certificate No. 12-00122 which was for unpaid municipal liens on property located at Block 40, Lot 13 a/k/a 16 South Academy Street, Glassboro, New Jersey.

3. Plaintiff's assignor held said tax sale certificate for more than two years and continued to pay subsequent delinquent taxes thereby enriching the municipal treasury.

4. On September 15, 2015, Plaintiff's assignor filed a tax sale foreclosure Complaint under the Tax Sale Law thereby furthering the public policy by foreclosing this property.
5. On or about March 10, 2016, Empire Tax Fund VI, LLC assigned its Tax Sale Certificate No. 12-00122 to Plaintiff, Empire TF6 Jersey Holdings, LLC.
6. On April 19, 2016, a Final Judgment was entered vesting title to the subject real estate located at Block 40, Lot 13 a/k/a 16 South Academy Street, Glassboro, New Jersey into Plaintiff, Empire TF6 Jersey Holdings, LLC.
7. On or about June 23, 2015, Defendant, Borough of Glassboro enacted Ordinance No. 15-25 entitled "Abandoned/Vacant Property Registration".
8. According to Section 66-11 of the ordinance, the purpose and intent of the ordinance was to establish a process to address the deterioration in blight of the Borough neighborhoods caused by "an increasing number of abandoned, foreclosed or distressed real property located within the Borough...". Said section further indicates that the Borough's intent to participate in a "County-wide registration program established by Gloucester County and administered by Community Champions Corporation...".
9. Said ordinance fails to state any statutory authority for the enactment of said ordinance.
10. Section 366-15 of said ordinance requires that any mortgagee who holds a mortgage on real property located within the Borough of Glassboro is required to perform an inspection of property and determine a vacancy or occupancy upon default of same. Said ordinance is limited to mortgagees.
11. Section 366-15 (D) of said ordinance requires a registration fee of \$500.00 on the initial registration, \$1,500.00 on the first renewal, \$2,500.00 on the second renewal and \$3,500.00 on subsequent renewals.

12. As previously set forth, Final Judgment was entered in favor of Empire TF6 Jersey Holdings, LLC. Said property was located at 16 South Academy Street, Glassboro, New Jersey.

13. On or about December 16, 2016, Empire TF6 Jersey Holdings, LLC sold the subject property located at 16 South Academy Street in Glassboro to First Jersey Homes, LLC.

14. The Borough of Glassboro has entered into some sort of agreement with Defendant, Community Champions Corporation d/b/a Pro Champs to administer the property registration program.

15. The Borough of Glassboro through Pro Champs illegally assessed to Empire TF6 Jersey Holdings, LLC a property registration fee of \$2,000.00 and required same to be paid at closing in order to sell the property free and clear of any and all liens or claims by the municipality.

16. On December 16, 2016, in order to sell the property, Plaintiff, Empire TF6 Jersey Holdings, LLC paid to Pro Champs the sum of \$2,000.00 under the above stated illegal ordinance.

17. Defendant, Borough of Glassboro and Pro Champs have demanded that properties that are being foreclosed or have been foreclosed through the tax sale foreclosure statutes be registered as vacant/abandoned properties and to require said tax sale certificate investors to pay registration fees.

18. By its own words, the Glassboro ordinance does not apply to tax sale investors and/or properties acquired through a tax sale foreclosure.

19. Notwithstanding the above, Defendants have applied said ordinance to the Plaintiffs under the threat of quasi criminal prosecution for failure to pay these charges more specifically set forth in the ordinance.

20. As previously set forth, the Legislature of the State of New Jersey has never passed Assembly Bill 4031 or other legislation authorizing the property registration system that has been put into effect by Defendants.

21. Plaintiffs, as the Assignee of tax sale certificates or the owners of real property through a tax sale foreclosure, are not subject either to the municipal ordinances or the State statutes that the municipalities attempt to view that as authorization for the enactment of the ordinances.

22. The Tax Sale Law is a comprehensive statute that regulates the entire area of tax sale foreclosure from the purchase of the lien through the entry of Final Judgment. The Abandoned Properties Act is also comprehensive legislation in the State of New Jersey regulating the area as it relates to investors in tax sale certificates.

23. In New Jersey, municipalities are the creature of statutes and can only exercise those powers expressly granted by the Legislature.

24. There is no enabling legislation authorizing Defendants to assess, charge, demand or collect registration fees for allegedly vacant or abandoned properties.

25. The actions by Defendants in assessing and collecting vacant property registration fees from investors in tax sale certificates who obtain title through a tax sale foreclosure has not only damaged the Plaintiff but its actions are unlawful, *ultra vires* and unconstitutional.

26. Plaintiffs seek an Order from the Court declaring that said ordinance is illegal and an injunction preventing Defendants from collecting any monies under said ordinance and refunding to Plaintiffs any monies collected illegally under said ordinances.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and/or severally for:

- a) An Order declaring Borough of Glassboro Ordinance No. 366-11 through 366-22 to be illegal, *ultra vires* and unconstitutional;
- b) An injunction barring the Defendant, Borough of Glassboro from enforcing said ordinance against any owner of property obtained through a tax sale foreclosure or Deed in lieu of same;
- c) An Order declaring that Defendant, Community Champions Corporation's actions are illegal and enjoining it from further collecting any registration fees or other money;
- d) Damages;
- e) Interest;
- f) Costs of suit;
- g) Attorney's fees; and
- h) Any other relief deemed just and equitable.

#### SECOND COUNT

1. Plaintiffs repeat and reallege each and every allegation contained in previous counts as if fully set forth at length herein.

2. On or about October 25, 2013, Defendant, Borough of Paulsboro conducted a tax sale for unpaid municipal liens.

3. Plaintiff, Chickadee Investments, LLC's assignor was the successful bidder for Tax Sale Certificate No. 13-00107 which is a secured lien on real estate located at 3 South Delaware Street a/k/a Block 130, Lot 8 on the Tax Map of the Borough of Paulsboro.

4. Plaintiff, Chickadee Investments, LLC's assignor pursuant to the New Jersey Tax Sale Law paid subsequent taxes thereby enriching the municipal treasury and furthering the public policy in the State of New Jersey.

5. On February 3, 2016, Chickadee Investments, LLC's assignor filed a tax sale foreclosure Complaint in the Superior Court of New Jersey.
6. Chickadee Investments, LLC's assignor proceeded with its tax sale foreclosure.
7. On or about June 6, 2016, FNA Jersey Boi, LLC assigned Tax Sale Certificate No. 13-00107 to Plaintiff, Chickadee Investments, LLC.
8. On August 4, 2016, Final Judgment was entered in the tax sale foreclosure vesting fee title to the subject property in Plaintiff, Chickadee Investments, LLC.
9. On or about July 19, 2016, Defendant, Borough of Paulsboro enacted municipal Ordinance No. 54-27 through 54-39 relating to property registration maintenance requirements.
10. Ordinance No. 54-27 indicates that the purpose of intent of the ordinance is to participate in County-wide registration program established by Gloucester County and administered by Defendant, Community Champions d/b/a Pro Champs.
11. Again, the Paulsboro ordinance appears on its face to only apply to mortgage foreclosures but the Borough of Paulsboro has illegally applied said ordinance also to properties acquired through a tax sale foreclosure. Said ordinances require the registration of any abandoned property including a non-refundable annual registration fee of \$400.00 per property per year.
12. Said ordinances also provide a penalty of \$500.00 a year and up to \$1,000.00 a year for subsequent offenses for failure to register the property.
13. Said ordinance fails to identify the statutory authorization for said ordinance but has been applied by Defendant, Borough of Paulsboro and Defendant, Pro Champs against municipal lienholders.



14. Defendants, Borough of Paulsboro and Pro Champs applied said ordinance against Plaintiff, Chickadee Investments, LLC when Chickadee Investments, LLC sold the subject property to David Krauss on February 13, 2017.

15. In order to clear title, Plaintiffs were required to pay to Community Champions and/or Borough of Paulsboro the sum of \$1,800.00.

16. As previously set forth, the Legislature of the State of New Jersey has never passed Assembly Bill 4031 or other legislation authorizing the property registration system that has been put into effect by Defendants.

17. Plaintiffs, as the holder of tax sale certificates and/or the Assignee of holder of tax sale certificates, are not subject either to the municipal ordinances or the State statutes that the municipalities attempt to view that as authorization for the imposition of registration fees.

18. The Tax Sale Law is a comprehensive statute that regulates the entire area of tax sale foreclosure from the purchase of the lien through the entry of Final Judgment. The Abandoned Properties Act is also comprehensive legislation in the State of New Jersey regulating the area as it relates to investors in tax sale certificates.

19. In New Jersey, municipalities are the creature of statutes and can only exercise those powers expressly granted by the Legislature.

20. There is no enabling legislation authorizing Defendants to assess, charge, demand or collect registration fees for allegedly vacant or abandoned properties.

21. The actions by Defendants in assessing and collecting vacant property registration fees from investors in tax sale certificates who obtain title through a tax sale foreclosure has not only damaged the Plaintiff but its actions are unlawful, *ultra vires* and unconstitutional.

22. Plaintiffs seek an Order from the Court declaring that said ordinance is illegal and an injunction preventing Defendants from collecting any monies under said ordinance and

refunding to Plaintiffs any monies collected illegally under said ordinances.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and/or severally for:

- a) An Order declaring Borough of Paulsboro Ordinance No. 54-27 through 54-39 to be illegal, *ultra vires* and unconstitutional;
- b) An injunction barring the Defendant, Borough of Paulsboro from enforcing said ordinance against any owner of property through a tax sale foreclosure or Deed in lieu of same;
- c) An Order declaring that Defendant, Community Champions Corporation's actions are illegal and enjoining it from further collecting any registration fees or other money;
- d) Damages;
- e) Interest;
- f) Costs of suit;
- g) Attorney's fees; and
- h) Any other relief deemed just and equitable.

### THIRD COUNT

1. Plaintiffs repeat and reallege each and every allegation contained in the previous counts as if fully set forth at length herein.

2. Plaintiff, Empire TF4 Jersey Holdings, LLC is the Assignee of the purchaser of a tax sale certificate that was foreclosed within the Borough of Paulsboro wherein Final Judgment was obtained to property located at 272 W. Buck Street, Paulsboro, New Jersey.

3. Plaintiff, Empire TF4 Jersey Holdings, LLC is the assignee of the purchaser of a tax sale certificate that was foreclosed within the Township of Monroe wherein Final Judgment was entered as to 706 Crystal Drive, Monroe Township, New Jersey.

4. Defendant, Monroe Township has enacted Ordinance No. 104-36 through 104-48 requiring the registration of abandoned real estate.

5. Defendant, Borough of Paulsboro has enacted Ordinance No. 54-27 through 54-39 requiring the registration of abandoned properties.

6. Said ordinances only apply to properties acquired through mortgage foreclosures but the Township actually applies same to properties acquired through a tax sale foreclosure.

7. As previously stated, there is no lawful authorization for the enactment of the above stated ordinances.

8. There is no enabling legislation authorizing Monroe Township or the Borough of Paulsboro to access, charge or demand or collect registration fees for allegedly vacant or abandoned properties obtained through a tax sale foreclosure.

9. The actions by Defendant, Monroe Township and the Borough of Paulsboro in assessing and collecting vacant property registration fees from investors in tax sale certificates who obtain title through a tax sale foreclosure is unlawful, *ultra vires* and unconstitutional.

10. As previously indicated, said properties were acquired through tax sale foreclosures.

11. Notwithstanding the above, on or about April 27, 2017, Defendant, Community Champions Corporation d/b/a Pro Champs sent to Plaintiff an email that the subject properties were required to be registered with Pro Champs to avoid any financial penalties for failure to register as provided in the ordinance.

12. Notwithstanding there is no statutory authority within the State of New Jersey for Defendants to require Plaintiff, Empire TF4 Jersey Holdings, LLC to have to register property and pay a fee and notwithstanding the fact that the ordinance by its own words does not apply to anything other than properties acquired through a mortgage foreclosure, the Defendants under the threat of quasi criminal prosecution, attempted to compel Empire TF4 Jersey Holdings, LLC to pay said registration fees.

13. As previously set forth, the Legislature of the State of New Jersey has never passed an Assembly Bill or other law to provide legal authority for the property registration system that has been put into effect by the Defendants.

14. Plaintiff, Empire TF4 Jersey Holdings, LLC as the Assignee of a tax sale certificate having obtained a Final Judgment in a tax sale foreclosure is not subject either to the municipal ordinances or the state statutes the Defendants attempt to view as authorization for the imposition of registration fees.

15. The Tax Sale Law is a comprehensive statute that regulates the entire area of tax sale foreclosures from the purchase of the lien through the entry of Final Judgment. The Abandoned Properties Act is a comprehensive legislative scheme in the State of New Jersey and leaves no room for municipal regulation.

16. In New Jersey, municipalities are creatures of statute and can only exercise those powers expressly granted by the Legislature.

17. The ordinance enacted by Defendants and its attempt to regulate Plaintiffs are illegal, *ultra vires* and unconstitutional.

18. Plaintiffs have been damaged by Defendants illegal actions.

19. Plaintiff seeks an Order from the Court declaring that said ordinances are illegal and an injunction preventing Defendants from collecting any monies under said ordinance or attempting to compel Plaintiff to have to register under that ordinance.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and/or severally for:

- a) An Order declaring that Borough of Paulsboro Ordinance No. 54-27 through 54-39 to be illegal, *ultra vires* and unconstitutional;
- b) An Order declaring that Borough of Glassboro Ordinance No. 366-11 through 366-22 to be illegal, *ultra vires* and unconstitutional;
- c) An Order declaring that Monroe Township Ordinance No. 104-36

through 104-48 is illegal, *ultra vires* and unconstitutional;

- d) An injunction barring the Defendants, Borough of Paulsboro, Borough of Glassboro and Monroe Township from enforcing said ordinances against the owners of properties through a tax sale foreclosure or Deed in lieu of same;
- e) An Order declaring that Defendant, Community Champions Corporation's actions are illegal and enjoining it from further collecting any registration fees or other money;
- f) Damages;
- g) Interest;
- h) Costs of suit;
- i) Attorney's fees; and
- j) Any other relief deemed just and equitable.

#### **FOURTH COUNT**

1. Plaintiffs repeat and reallege each and every allegation contained in the previous counts as if fully set forth at length herein.

2. Empire TF5 Jersey Holdings, LLC is the assignee of the purchaser of a tax sale certificate that was foreclosed within the Township of Deptford wherein Final Judgment was obtained to property located at Block 432, Lot 9, 10 a/k/a 1270 Mantua Pike, Deptford Township, New Jersey.

3. Defendant, Deptford Township has enacted an ordinance establishing for the registration of certain vacant properties within its township.

4. Said ordinance by its face only applies to properties acquired through mortgage foreclosures but the Township applies same to properties acquired through a tax sale foreclosure.

5. As previously stated, there is no lawful authority for the enactment of the above stated ordinance.

6. There is no enabling legislation authorizing Deptford Township to assess, charge or demand or collect registration fees for allegedly vacant or abandoned properties obtained through a tax sale foreclosure.

7. The actions by Defendant, Deptford Township in assessing and collecting vacant property registration fees from investors in tax sale certificates who obtain title through a tax sale foreclosure have damaged Plaintiff and is unlawful, *ultra vires* and unconstitutional.

8. As previously indicated, Plaintiff, Empire TF5 Jersey Holdings, LLC acquired the subject property through a tax sale foreclosure.

9. Notwithstanding the above, on or about May 23, 2017, Defendant, Community Champions Corporation d/b/a Pro Champs sent an email that the subject property is required to be registered with an annual registration fee of \$500.00.

10. Notwithstanding that there is no statutory authority in the State of New Jersey for Defendants to require Plaintiff, Empire TF5 Jersey Holdings, LLC to have and register property and pay a fee notwithstanding the fact that the ordinance does not apply to anything other than properties acquired through a mortgage foreclosure, Defendants utilizing municipal ordinance have attempted to compel Plaintiff, Empire TF5 Jersey Holdings, LLC to pay said registration fees.

11. As previously set forth, the legislature of the State of New Jersey has never passed an assembly bill or other law to provide legal authority for the proper registration system that has been put into effect by Defendants.

12. The Tax Sale Law is a comprehensive statute that regulates the entire area of tax sale foreclosures and the purchase of a lien through the entry of Final Judgment. The Abandoned Properties Act is comprehensive legislation scheme in the State of New Jersey and leaves no room for municipal supplemental regulations.

13. In New Jersey, municipalities are creatures of statute and can only exercise

those powers expressly granted by the Legislature.

14. The ordinance enacted by Defendant is an attempt to regulate Plaintiffs and is illegal, *ultra vires* and unconstitutional.

15. Plaintiff seeks an Order from the Court declaring said ordinances are illegal and an injunction preventing Defendants from collecting any monies under said ordinance or attempting to compel Plaintiff to register said property under said ordinance.

16. Plaintiff has been damaged as a proximate result of the illegal actions of the Defendants.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and/or severally for:

- a) An Order declaring that Borough of Paulsboro Ordinance No. 54-27 through 54-39 to be illegal, *ultra vires* and unconstitutional;
- b) An Order declaring that Borough of Glassboro Ordinance No. 366-11 through 366-22 to be illegal, *ultra vires* and unconstitutional;
- c) An Order declaring that Monroe Township Ordinance No. 104-36 through 104-48 is illegal, *ultra vires* and unconstitutional;
- d) An Order declaring that Deptford Township ordinance relating to the registration of abandoned properties is illegal, *ultra vires* and unconstitutional;
- e) An injunction barring the Defendants, Borough of Paulsboro, Borough of Glassboro, Monroe Township and Township of Deptford from enforcing said ordinances against the owners of properties through a tax sale foreclosure or Deed in lieu of same;
- f) An Order declaring that Defendant, Community Champions Corporation's actions are illegal and enjoining it from further collecting any registration fees or other money;
- g) Damages;
- h) Interest;
- i) Costs of suit;
- j) Attorney's fees; and

- k) Any other relief deemed just and equitable.

**FIFTH COUNT**

1. Plaintiffs repeat and reallege each and every allegation contained in the previous counts as if fully set forth at length herein.

2. The purchase and foreclosure of tax sale certificates is comprehensively regulated by the Tax Sale Law as codified within N.J.S.A. 54:5-1 et. seq.

3. The regulation of abandoned properties is also comprehensively regulated by the Abandoned Properties Act as codified within N.J.S.A. 55:19-78 et. seq.

4. The State regulation of these areas leaves no room for municipalities within the State of New Jersey to enact ordinances assessing further fees against the owners of tax sale certificates since the only monies they must pay are those monies as set forth in the Tax Sale Law. In exchange for paying the delinquent municipal liens and any subsequent taxes, Plaintiffs are entitled to fee ownership without the assessment of additional illegal registration fees or other revenue raising actions by the municipality.

5. The State has preempted this area and there is no regulation allowed by local municipalities as it relates to raising additional revenue through the enactment of registration fees.

6. The actions by Defendants, Borough of Glassboro, Borough of Paulsboro and Monroe Township by enacting said ordinances are illegal.

7. As a result of the illegal ordinances, Plaintiffs have been damaged.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and/or severally for:

- a) An Order declaring that Borough of Paulsboro Ordinance No. 54-27 through 54-39 to be illegal, *ultra vires* and unconstitutional;
- b) An Order declaring that Borough of Glassboro Ordinance No. 366-11



through 366-22 to be illegal, *ultra vires* and unconstitutional;

- c) An Order declaring that Monroe Township Ordinance No. 104-36 through 104-48 is illegal, *ultra vires* and unconstitutional;
- d) An Order declaring that Deptford Township ordinance relating to the registration of abandoned properties is illegal, *ultra vires* and unconstitutional;
- e) An injunction barring the Defendants, Borough of Paulsboro, Borough of Glassboro, Monroe Township and Township of Deptford from enforcing said ordinances against the owners of properties through a tax sale foreclosure or Deed in lieu of same;
- f) An Order declaring that Defendant, Community Champions Corporation's actions are illegal and enjoining it from further collecting any registration fees or other money;
- g) Damages;
- h) Interest;
- i) Costs of suit;
- j) Attorney's fees; and
- k) Any other relief deemed just and equitable.

#### SIXTH COUNT

1. Plaintiffs repeat and reallege each and every allegation contained in the previous counts as if fully set forth at length herein.

2. The Defendant municipalities have authorized, condoned or permitted the Defendant Pro Champs to assess and collect registration fees, fines and penalties, assert liens upon real property thereby impacting quality of title, and to threaten criminal prosecution against Plaintiffs unless compliance with the illegal and unconstitutional Ordinances and registration requirements is accomplished.

3. The Defendant Pro Champs is a private entity based out of Florida.

4. In addition to asserting the Ordinances at issue are unconstitutional and *ultra vires* the delegation of the asserted police powers being utilized to the private entity Pro Champs as set forth above is an illegal and impermissible delegation of police powers.

**WHEREFORE**, Plaintiffs demand judgment against Defendants, jointly and/or severally for:

- a) An Order declaring that Borough of Paulsboro Ordinance No. 54-27 through 54-39 to be illegal, *ultra vires* and unconstitutional;
- b) An Order declaring that Borough of Glassboro Ordinance No. 366-11 through 366-22 to be illegal, *ultra vires* and unconstitutional;
- c) An Order declaring that Monroe Township Ordinance No. 104-36 through 104-48 is illegal, *ultra vires* and unconstitutional;
- d) An Order declaring that Deptford Township ordinance relating to the registration of abandoned properties is illegal, *ultra vires* and unconstitutional;
- e) An injunction barring the Defendants, Borough of Paulsboro, Borough of Glassboro, Monroe Township and Township of Deptford from enforcing said ordinances against the owners of properties through a tax sale foreclosure or Deed in lieu of same;
- f) An Order declaring that Defendant, Community Champions Corporation's actions are illegal and enjoining it from further collecting any registration fees or other money;
- g) Damages;
- h) Interest;
- i) Costs of suit;
- j) Attorney's fees; and
- k) Any other relief deemed just and equitable.

**GOLDENBERG, MACKLER, SAYEGH, MINTZ  
PFEFFER, BONCHI & GILL**

By: \_\_\_\_\_

**KEITH A. BONCHI, ESQUIRE**

Dated: June 17, 2017

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

I am an attorney admitted to practice law in the State of New Jersey, with the firm of Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, counsel for the above named plaintiffs.

The matter in controversy in this case is not the subject of any other action pending in any court or of a pending arbitration proceeding nor is any other action or arbitration proceeding contemplated. The Plaintiffs have not filed any other action in any other Court relating to the within matter. However, Plaintiffs are aware that in the matter of DBTL Holdco 213, LLC v. City of Atlantic City, a similar lawsuit has been filed by a separate Plaintiff under Docket No. ATL-778-17.

At this time, there are no other parties who should be joined in this action.

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.

**GOLDENBERG, MACKLER, SAYEGH, MINTZ  
PFEFFER, BONCHI & GILL**

By:   
\_\_\_\_\_ **KEITH A. BONCHI, ESQUIRE**

Dated: June 17, 2017

**CERTIFICATION OF COMPLIANCE PURSUANT TO RULE 1:38-7(c)**

I hereby certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

**GOLDENBERG, MACKLER, SAYEGH, MINTZ  
PFEFFER, BONCHI & GILL**

By:   
\_\_\_\_\_ **KEITH A. BONCHI, ESQUIRE**

Dated: June 17, 2017

**CERTIFICATION PURSUANT TO R. 4:69-4**

I hereby certify that by the nature of the within action, there is no necessary transcript to order from a local agency. Hence, due to the nature of this action, I have not ordered any local agency proceedings since same are not necessary.

**GOLDENBERG, MACKLER, SAYEGH, MINTZ,  
PFEFFER, BONCHI & GILL**

By: \_\_\_\_\_

  
**KEITH A. BONCHI, ESQUIRE**

Dated: June 15, 2017