

SUPREME COURT OF NEW JERSEY
M-1307 September Term 2017
079551

MANASQUAN SAVINGS BANK,

PLAINTIFF,

V.

LYNN SMITH, ET AL.,

DEFENDANTS-MOVANTS.

FILED

JUN 15 2018

Mark Neary
CLERK

O R D E R

It is ORDERED that the motion for reconsideration of the Court's order dismissing the notice of petition for certification is denied.

WITNESS, the Honorable Jaynee LaVecchia, Presiding Justice,
at Trenton, this 12th day of June, 2018.

Mark Neary
CLERK OF THE SUPREME COURT

JUSTICES ALBIN, PATTERSON, FERNANDEZ-VINA, SOLOMON, and TIMPONE
join in this order. CHIEF JUSTICE RABNER did not participate.

SUPREME COURT OF NEW JERSEY
M-1174 September Term 2017
079551

MANASQUAN SAVINGS BANK,
PLAINTIFF-RESPONDENT,

V.

LYNN SMITH, ET AL.,
DEFENDANTS-PETITIONERS.

FILED

APR 27 2018

Mark H. Neary
CLERK

O R D E R

This matter having been opened to the Court on a notice of petition for certification, and the petitioners having failed to pay all requisite filing fees by March 19, 2018, as directed by the Court in its order filed March 12, 2018, it is ORDERED that the notice of petition for certification is dismissed.

WITNESS, the Honorable Jaynee LaVecchia, Presiding Justice,
at Trenton, this 27th day of April, 2018.

Mark H. Neary
CLERK OF THE SUPREME COURT

FILED, Clerk of the Appellate Division, September 12, 2017, A-004313-16

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-004313-16T3

MANASQUAN SAVINGS BANK
V.
LYNN SMITH ET AL

ORDER DISMISSING APPEAL

This matter being opened to the court on its own motion and
it appearing that appellant has failed to prosecute the appeal;

IT IS HEREBY ORDERED that the above appeal is dismissed.

WITNESS, the Honorable Carmen Messano, Presiding Judge for
Administration, at Trenton, this 12th day of September, 2017.

s/JOSEPH H. ORLANDO
JOSEPH H. ORLANDO
CLERK OF THE APPELLATE DIVISION

MONMOUTH
F-040519-09

SLW

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cknowlton@gorskiknowlton.com
Attorneys for Plaintiff

MANASQUAN SAVINGS BANK	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION
Plaintiffs	:	MONMOUTH COUNTY
v.	:	
	:	Docket No. F-40519-09
LYNN SMITH, BRIAN SMITH, her husband,	:	
STATE OF NEW JERSEY, WATCHUNG	:	<u>Civil Action</u>
SPRING WATER CO., INC., and RICHARD B.	:	
GRAHAM, JR.	:	ORDER DIRECTING SHERIFF TO
Defendants.	:	PAY ADDITIONAL SUMS TO PLAINTIFF

This matter having been opened to the Court by Carol L. Knowlton, Esquire, of the firm of Gorski & Knowlton PC, attorneys for plaintiff, Manasquan Savings Bank, requesting an Order directing the Sheriff of Monmouth County to pay the Plaintiff amounts in addition to the amount adjudged to be paid to the Plaintiff by virtue of the Writ of Execution in this action and it appearing that the Plaintiff has advanced sums of money subsequent to the final judgment for taxes and insurance which were necessary to preserve the security of Plaintiff's mortgage, and good cause appearing;

IT IS ORDERED on this 12th day of July, 2017, that the Sheriff of Monmouth County pay the plaintiff the following amounts in addition to the amount adjudged to be paid to the Plaintiff by the Writ of Execution in this action:



1. The sum of \$8,844.61 advanced by the Plaintiff for taxes; and
2. The amount of \$1,559.51 advanced by Plaintiff for necessary insurance.

TOTAL DUE: \$10,404.12

IT IS FURTHER ORDERED that this Order will be effective only if it is entered and delivered to the Sheriff of Monmouth County prior to sale.

/s/ Paul Innes, P.J.Ch

P. J. Ch.

Motion Opposed _____

Motion Unopposed _____

Respectfully Recommended
R. 1:34-6 OFFICE OF FORECLOSURE

Exhibit 1

SWC F 040519-09 12/21/2016 Pg 1 of 1 Trans ID: CHC2016232133

PREPARED BY THE COURT

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MONMOUTH COUNTY

Manasquan Savings

DOCKET NO. F-040519-09

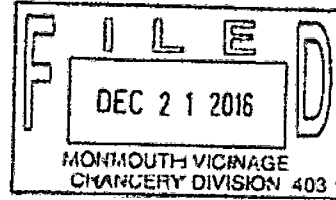
Plaintiff(s)

ORDER

vs.

Smith Lynn

Defendant(s)



This matter having been opened by the Court by way of an objection filed by defendant to the application for Final Judgment; and it appearing that this matter was transferred from the Superior Court, Foreclosure Unit to the Superior Court, Chancery Division, Monmouth County _____, and the Court having considered the papers submitted and having set forth findings of fact and conclusion of law on the record on Dec 21, 2016 and for good cause shown;

It is on this 21st day of December, 2016

ORDERED that the opposition filed by defendants Smith is hereby DENIED and the application for Final Judgment is returned to the Office of Foreclosure for processing

FOR THE REASONS ~~RECORDED~~
ON THE RECORD.
37 12/21/16

Patricia Del Bueno Cleary
Patricia Del Bueno Cleary P.J. Ch.

FC-112

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

LYNN SMITH v. BRIAN SMITH

Your Name

MONMOUTH County

409 ST CLAIR AVE

Street Address

Docket Number E-40519-09

SPRING LAKE NJ 07762

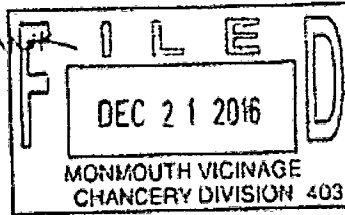
Town, State, Zip Code

CIVIL ACTION
Order

Telephone Number

MANAGLIANI SAVINGS BANK

Plaintiff



LYNN + BRIAN SMITH

Defendant

This matter having been brought before the Court on Motion of (check one)
 plaintiff defendant for an Order (describe relief requested)

and the Court having considered the matter and for good cause appearing,

It is on this 21st day of December, 2016
ORDERED as follows:

Motion to vacate summary judgment,
removing trial judge, changing venue to Ocean County,
ordering trial, permit subpoena of records,
objecting to final judgment is DENIED

Patricia M. Basso, J.S.C.

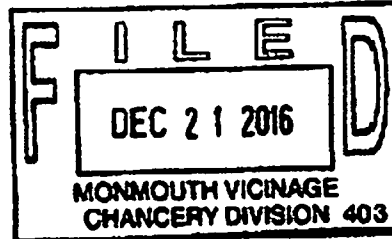
opposed

unopposed

NOTED
FOR THE REASONS SET FORTH
ON THE RECORD.

on 12/21/16

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Attorneys for Plaintiff



MANASQUAN SAVINGS BANK	:	SUPERIOR COURT OF NEW JERSEY
		: CHANCERY DIVISION
Plaintiffs	:	: MONMOUTH COUNTY
v.	:	
	:	Docket No. F-40519-09
LYNN SMITH, BRIAN SMITH, her husband,	:	
STATE OF NEW JERSEY, WATCHUNG	:	<u>Civil Action</u>
SPRING WATER CO., INC., and RICHARD B.	:	
GRAHAM, JR.	:	ORDER AWARDING ADDITIONAL
Defendants.	:	COUNSEL FEES AND COSTS

This matter having been opened to the Court by Carol L. Knowlton, Esquire, of the Law Office of Gorski & Knowlton PC, attorneys for plaintiff, Manasquan Savings Bank, and upon notice to Lynn Z. Smith, *pro se* defendant, and all other interested parties, for an Order allowing additional counsel fees and costs, and the Court having considered the Motion papers and any opposition thereto, and any oral argument, and for good cause having been shown,

IT IS on this 21st day of December, 2016,

ORDERED as follows:

1. Plaintiff's motion be and the same is hereby ~~granted~~; and

DENIED w/o prejudice

Denied w/o prejudice

2. Plaintiff, Manasquan Savings Bank shall be awarded additional counsel fees and costs in the amount of \$ _____, with said amount to be added to the amount owed by the Defendant, Lynn Smith, on the mortgage dated December 1, 1998, and recorded on December 8, 1998, in MB 6637 at page 791; and

Denied

3. Interest shall accrue on these additional amounts at the Note rate.

4. A copy of this Order shall be served upon all counsel of record within 7 days from the date hereof.

Patricia Del Buono Cleary

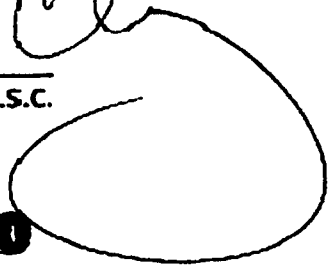
PATRICIA DEL BUONO CLEARY, J.S.C.

Motion Opposed X

Motion Unopposed _____

**FOR THE REASONS STATED
ON THE RECORD.**

on 12/21/16



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Attorneys for Plaintiff

MANASQUAN SAVINGS BANK	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION
Plaintiffs	:	MONMOUTH COUNTY
v.	:	
	:	Docket No. F-40519-09
LYNN SMITH, BRIAN SMITH, her husband,	:	
STATE OF NEW JERSEY, WATCHUNG	:	
SPRING WATER CO., INC., and RICHARD B.	:	<u>Civil Action</u>
GRAHAM, JR.	:	
Defendants.	:	FINAL JUDGMENT

Upon the application of the plaintiff(s), and it appearing that Summons and Complaint have been duly issued and returned served upon all defendants, and their default having been entered; and the plaintiff's Note and Mortgage having been presented and marked as exhibits by the Court;

And it appearing from the Affidavit filed herein that there is due to the Plaintiff(s) the sum of \$269,842.53 on its first mortgage and the sum of \$34,595.43 on its second mortgage described in the Complaint, and good and sufficient cause appearing;

IT IS on this 4 day of January 2017, ~~2016~~, ORDERED AND ADJUDGED that the Plaintiff(s) is entitled to have the sum of \$269,842.53 on its first mortgage and \$34,595.43 on its second mortgage, together with lawful interest thereon, to be computed from April 15, 2016, together with costs of this suit to be taxed, and a counsel fee of \$ 3194.37 included therein, raised and paid out of the mortgaged premises described in said complaint;

And it is further ORDERED AND ADJUDGED that so much of the said mortgaged premises as will be sufficient to raise and satisfy the said mortgage, interest and costs of the plaintiff be sold, and that an



execution do issue for that purpose out of this court directed to the Sheriff of the County of Monmouth, commanding him to make sale, according to law, of so much of the said mortgaged premises as will be sufficient to satisfy the said mortgage, interest and costs; and that he pay out of the proceeds of the sale to the plaintiff or its attorney, its said debt, interest and costs and that in case there is a surplus, the same shall be brought into this Court and deposited with the Clerk subject to this Order of this Court; and that the said Sheriff make his report to this Court of the sale as required by the Rules of this Court;

And it is further ORDERED AND ADJUDGED that the Plaintiff or the Purchaser at the foreclosure sale, duly recover against said defendants, Lynn Smith and Brian Smith, or any one holding under them, possession of the premises mentioned and described in the complaint with the appurtenances and that a Writ of Possession issue thereon;

And it is further ORDERED AND ADJUDGED that all of the defendants to this action and each of them stand absolutely debarred and foreclosed of and from all equity of redemption of, in and to so much of the said mortgages premises as shall be sold as aforesaid under this Judgment.

This Judgment shall not affect the rights of any person protected by the New Jersey Tenant Anti-Eviction Act (N.J.S.A. 2A:18-61.1 et seq.)

/s/ Paul Innes, P.J.Ch.

Paul Innes, P.J.Ch.

Respectfully Recommended
R. 1:34-6 Office of Foreclosure