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Attorneys for Plaintiffs

RONALD TROUT on behalf of THE
ESTATE OF ALFRETТА MARIE TROUT,
and WILLIAM GASTON and CHRISTINA
LAZICKI, individually, and on
behalf of all those similarly
situated,

Plaintiffs,

v.

GOVERNOR PHILLIP MURPHY, in his
official capacity as Governor of
the State of New Jersey & MARITA
SCIARROTTA, in her official
capacity as Acting Director of
the New Jersey Division of
Taxation,

Defendants.

NEW JERSEY SUPERIOR COURT
CAPE MAY COUNTY
LAW DIVISION

CPM-L-_____ -23

COMPLAINT AND JURY DEMAND

Plaintiffs Ronald Trout on behalf of the Estate of Alfretta Marie Trout and William Gaston and Christina Lazicki, individually and on behalf of the putative class of similarly situated persons defined herein, file this Class Action Complaint against Defendants Governor Phillip Murphy in his official capacity as Governor of the State of New Jersey and

Marita Sciarrotta in her official capacity as Acting Director of the New Jersey Division of Taxation (collectively "Defendants"), and allege as follows:

BACKGROUND

1. This case arises out of the taking of real property without just compensation and without any valid public use permitted by the unconstitutional New Jersey Tax Sale Law, N.J.S.A. 54:5-1 *et seq.*, which has deprived putative class members of their real property interests and/or surplus profits from the sale of their real property. Such unconstitutional takings violate putative class members' state constitutional rights.
2. N.J.S.A. 54:5-86 permits private investors, municipalities, or the State to essentially steal a homeowner's home equity due to the existence of any tax lien.
3. One study conducted by the Pacific Legal Foundation concluded that homeowners in New Jersey lost an average of 89% of their home equity due to an outstanding tax sale certificate as authorized by N.J.S.A. 54:5-86.¹
4. All putative class members have suffered a significant loss of their home equity due to the unconstitutional New Jersey Tax Sale Law.

¹ See <https://homeequitytheft.org/new-jersey>

5. Accordingly, putative class members bring this lawsuit seeking: 1) Damages for the unconstitutional takings permitted under the N.J.S.A. 54:5-86 of the New Jersey Tax Sale Law; 2) A declaration that N.J.S.A. 54:5-86 is unconstitutional; 3) A declaration that title to all real property acquired pursuant to N.J.S.A. 54:5-86, is defective; and a 4) A declaration that because title to all real property acquired pursuant to N.J.S.A. 54:5-86 is defective, Plaintiffs and class members must be fairly compensated to remedy the defect.

PARTIES

6. Plaintiff Ronald Trout on behalf of the Estate of Alfretta Marie Trout (hereinafter "Mr. Trout") is an individual citizen of New Jersey domiciled in Cape May County at 226 County Road, South Dennis, New Jersey 08245. Mr. Trout is the surviving heir of Alfretta M. Trout, and was appointed by the Cape May County Surrogate Court as the Administrator of her Estate.

7. Plaintiff William Gaston and Christina Lazicki (hereinafter "Mr. Gaston and Mrs. Lazicki") are husband and wife and are individual citizens of New Jersey domiciled in Cape May County at 1016 South Route 9, #28, Cape May Court House, New Jersey 08210.

8. Defendant Governor Phillip Murphy is the Governor of the

State of New Jersey and the head of the State of New Jersey's executive branch. He is a citizen of the State of New Jersey, with an office located at 225 West State Street, Trenton, NJ 08625. Defendant Governor Phillip Murphy is sued in his official capacity as Governor of the State of New Jersey.

9. Defendant Marita Sciarrotta is the Acting Director of the New Jersey Division of Taxation. She is a citizen of the State of New Jersey, with an office located at 3 John Fitch Way, Trenton, NJ 08611. Defendant Marita Sciarrotta is sued in her official capacity as Acting Director of the State of New Jersey Division of Taxation.

10. At all material times hereto, Defendants acted "pursuant to" or "under color of" state law, as those terms are defined and construed pursuant to the New Jersey Civil Rights Act.

STATEMENT OF FACTS

A. TAX SALE CERTIFICATE SALES

11. The State of New Jersey imposes property taxes on real property in four installments during the year.

12. Property taxes are a continuous lien on real estate in the State of New Jersey.

13. Pursuant to the New Jersey Tax Sale Law, N.J.S.A. 54:5-1, *et seq.*, failure to pay property taxes on real property

permits the municipality where the real property is located to auction the delinquent tax lien at an annual tax lien sale.

14. The State of New Jersey requires all municipalities to hold at least one tax sale per year.

15. The tax sale is conducted by the municipal tax collectors.

16. At the annual tax sale, title to the delinquent property itself is not sold; instead, a tax sale certificate is sold.

17. The tax sale certificate can earn up to 18 percent interest.

18. A tax sale certificate may be sold to a private investor, a municipality, or the State.

19. The tax sale certificate must be recorded with the County Clerk to become a lien against the real property.

20. At the auction, bidders bid down the interest rate (which begins at 18%) that will be paid by the owner for continuing interests on the certificate amount, and if the interest is bid down below 1%, then a premium is bid up until a winner of the tax sale certificate is established.

21. The winning bidder is the one who bids the lowest percentage of interest and/or bids the highest premium.

22. At the close of the sale, the winning bidder must immediately pay the municipality the taxes and interest due

to date.

23. Taxes continue to accrue on the property after the sale of the certificate.

24. Bidders have the option to pay the subsequent taxes owed on the property; if those taxes are not paid, another tax sale certificate will be sold at the next tax lien sale.

25. Any subsequent certificate issued will be paramount to any prior certificate.

26. Purchasers of the tax sale certificate obtain the right to:

a. Receive the sum paid for the certificate with interest at the redemption rate for which the property was sold;

b. Redeem from the holder a subsequently issued tax sale certificate; and

c. Acquire title by foreclosing the equity of redemption of all outstanding interests, including that of the property.

27. At all relevant times, the tax sale certificate sale was authorized and mandated by New Jersey Tax Sale Law, N.J.S.A. 54:5-1 *et seq.*

28. At all relevant times, the State of New Jersey acted only through its authorized agents, including but not limited to Defendants Governor Phillip Murphy and Marita Sciarrotta.

B. TAX LIEN FORECLOSURE PROCEEDINGS

29. Where a private investor is the purchaser of a tax sale certificate, the time period to commence a foreclosure action to foreclose the right of redemption and transfer title is two years after the issuance of the tax sale certificate.
30. Where a municipality or the State is the purchaser of a tax sale certificate, the time period to commence a foreclosure action to foreclose the right of redemption and transfer title is only six months after the issuance of the tax sale certificate.
31. An order is then prepared providing a time and place for redemption, which must be served on the real property owner.
32. The Tax Sale Law provides the taxing authority's tax collector oversight to calculate and collect redemption amounts.
33. If the real property owner fails to challenge or redeem the tax sale certificate, the Court will enter a final judgment, which effectively transfers title to that real property from the delinquent property owner to the owner of the tax sale certificate.
34. The owner of the tax sale certificate, and new owner of the real property, may then either retain the property, or sell it for value to a bona fide purchaser.

35. In either event, when title transfers from the delinquent real property owner to the owner of the tax sale certificate, the delinquent real property owner is not compensated for the taking of his real property, to the extent that the value at the time of the title transfer exceeds the amount required to redeem the tax sale certificate.

36. Instead, the owner of the tax sale certificate, and new owner of title to the real property, retains either an interest in real property with value that exceeds the amount required to redeem the tax sale certificate; or retains all surplus proceeds from the subsequent sale of real property to a bona fide purchaser.

37. At all relevant times, tax lien foreclosure proceedings are authorized by New Jersey Tax Sale Law, N.J.S.A. 54:5-86.

38. At all relevant times, the State of New Jersey acted only through its authorized agents, including Defendant Governor Phillip Murphy and Marita Sciarrotta.

C. TYLER v. HENNEPIN COUNTY, et al.

39. On May 25, 2023, the Supreme Court of the United States held in a unanimous decision that a municipality's retention of the excess value of a real property owner's real property above her tax debt violated the Takings Clause of the United States Constitution. Tyler v.

Hennepin County, et al., 598 U.S. 631, 143 S.Ct. 1369 (2023).

40. On July 12, 2023, the New Jersey Supreme Court temporarily suspended Office of Foreclosure recommendations of final judgment in tax sale certificate cases filed after May 25, 2023, explicitly “[i]n response to the United States Supreme Court’s decision in Tyler v. Hennepin County”. Notice To The Bar, “Tax Foreclosures - (1) Suspension of Office of Foreclosure Recommendations of Final Judgment; and (2) Relaxation of Court Rules” (Approved July 12, 2023).

41. On December 4, 2023, the Third Circuit Court of Appeals held that “the [New Jersey Tax Sale Law] that provides for the forfeiture of a property owner’s equity after final judgment violates the Fifth Amendment Takings Clause in accordance with the decision in Tyler”. 257-261 20th Ave. Realty, LLC v. Roberto, ___ F.3d ___ (3d Cir. 2023).

D. DEFENDANTS’ ROLES

42. As the Head of the New Jersey’s Executive Branch, Defendant Governor Phillip Murphy is responsible for implementing state laws and overseeing the operation of the state executive branch.

43. As the Head of the state’s Executive Branch, Governor Phillip Murphy is responsible for pursuing new and revised

policies using a variety of tools including but not limited to executive orders and legislative proposals and vetoes.

44. As the Head of the state's Executive Branch, Governor Phillip Murphy serves as the intergovernmental liaison to the federal government on behalf of the State.

45. Thus, as the Head of the state's Executive Branch, Governor Phillip Murphy is responsible for raising and/or addressing the unconstitutionality of state laws, including N.J.S.A. 54:5-86.

46. At the time of the filing of this complaint, the unconstitutionality of this statute has not been rectified.

47. As the Acting Director of the New Jersey Division of Taxation, Defendant Marita Sciarrotta is responsible for administering the State's tax laws uniformly, equitably, and efficiently, and ensuring compliance with taxing statutes.

48. As the Acting Director of the Division of Taxation, Sciarrotta is responsible for overseeing the seven branches of the Division of Taxation, including the Property Administration Branch.

49. As the Acting Director of Division of Taxation, Sciarrotta is responsible for overseeing the Property Administration Branch, which includes providing advice and oversight regarding consistent property tax administration and

valuation policies and practices to achieve uniform compliance and equitable treatment of taxpayers, analyzing annual real estate sales activities and monitoring county boards of taxation for compliance with statutory mandates and other matters, and assisting taxpayers in obtaining information they need to understand their property tax responsibilities.

50. As the Acting Director of the Division of Taxation, Sciarrotta has provided, and continues to provide, advice, oversight, valuation, and assistance based upon the unconstitutional New Jersey Statute, New Jersey Tax Sale Law, N.J.S.A. 54:5-86.

E. PLAINTIFF SPECIFIC FACTS

51. All Plaintiffs and proposed class representatives are or were real property owners whose interest in real property has been unconstitutionally taken from them without just compensation and without any valid public use.

52. Plaintiff Mr. Trout's parents, Robert Trout Jr. and Alfretta Marie Trout acquired title to the property located at 878 Route 47, Dennis Township, New Jersey, on August 1, 1950. On August 11, 1966, Robert Trout Jr. died, vesting title to Alfretta Marie Trout by operation of law. On August 3, 2021, Alfretta Marie Trout died intestate. On January 14, 2022, Mr. Trout was appointed as the

Administrator of the Estate of Alfretta Marie Trout.

53. On October 5, 2022, a tax sale certificate in the amount of \$3,379.91 was sold with an interest rate of 18% to Fidelity Asset Management, LLC, and on March 30, 2023, that tax sale certificate was assigned to Pro Cap 8 FBO Firsttrust Bank.

54. On April 13, 2023, Pro Cap 8 Firsttrust Bank instituted an *in rem* action to foreclose the tax sale certificate (CPM-F-4657-23).

55. At the time of the filing of the foreclosure action, the property had a tax assessment of \$79,900 for the land and \$90,300 for the building for a total of \$170,200. The outstanding tax sale certificate that permitted the filing of this foreclosure action was only \$4,649.88, plus any interest that has accrued since the date of purchase.

56. On November 17, 2022, a final judgment was entered unlawfully taking the property located at 878 Route 47, Dennis Township, New Jersey from Mr. Trout without just compensation, and vesting fee simple to the tax sale certificate holder.

57. This final judgment was entered after the Tyler decision.

58. At the time of the entry of the final judgment, the property had a tax assessment of \$79,900 for the land and \$90,300 for the building for a total of \$170,200. The outstanding tax sale certificate that permitted the filing

of this foreclosure action was only \$4,649.88, plus any interest that has accrued since the date of purchase.

59. Mr. Trout was not given the surplus equity from this property to which he is entitled.

60. Plaintiffs William Gaston and Christina Lazicki acquired title to the property located at 210 Mechanic Street, Middle Township, New Jersey, on October 5, 2015.

61. On December 20, 2016, a tax sale certificate in the amount of \$4,931.10 was sold with an interest rate of 0% and a premium of \$3,000.00 to MTAG, Custodian for FIG Capital Investments, NJ13, LLC.

62. On April 15, 2020, MTAG, Custodian for FIG Capital Investments, NJ13, LLC instituted an *in rem* action to foreclose the tax sale certificate (CPM-F-5476-20).

63. At the time of the filing of the foreclosure action, the property had a tax assessment of \$125,000 for the land and \$99,100 for the building for a total of \$224,100. The outstanding tax sale certificate that permitted the filing of this foreclosure action was only \$7,931.10.

64. On November 13, 2022, MTAG, Custodian for FIG Capital Investments, NJ13, LLC assigned the tax sale certificate to Keystone Servicing Company LLC and on February 10, 2022, Keystone Servicing Company LLC assigned it to Stone Wool 22, LLC.

65. On May 17, 2022, a final judgment was entered unlawfully taking the property located at 210 Mechanic Street, Middle Township, New Jersey from Mr. Gaston and Mrs. Lazicki without just compensation, and vesting fee simple to the tax sale certificate holder.

66. This final judgment was entered before the Tyler decision.

67. At the time of the entry of the final judgment, the property had a tax assessment of \$125,000 for the land and \$99,100 for the building for a total of \$224,100. The outstanding tax sale certificate that permitted the filing of this foreclosure action was only \$23,254.20.

68. Mr. Gaston and Ms. Lazicki were not given the surplus equity from this property to which they are entitled.

CLASS ALLEGATIONS

69. Plaintiffs incorporate the foregoing paragraphs as if each were set forth fully herein.

70. Plaintiffs bring this lawsuit as a class action on their own behalf and on behalf of all other persons similarly situated as members of the proposed classes pursuant to New Jersey Rules of Civil Procedure 4:32-1(a), 4:32-1(b)(2), and 4:32-1(b)(3). This action satisfies the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of those provisions.

71. Plaintiffs bring this class action on behalf of the

following classes:

- a. "The Pre-Tyler Damages Class": Any owners of real property in the State of New Jersey who lost title to their property pursuant to a Superior Court final judgment in a tax sale certificate foreclosure action between the dates of December 5, 2003 and May 25, 2023², and who did not receive the surplus in value for that property after deducting the amount necessary to satisfy the tax sale certificate(s).
- b. "The Post-Tyler Damages Class": Any owners of real property in the State of New Jersey who lost title to their property pursuant to a Superior Court final judgment in a tax sale certificate foreclosure action from May 25, 2023 to the time of class certification, and who did not receive the surplus in value for that property after deducting the amount necessary to satisfy the tax sale certificate(s).

72. Plaintiffs William Gaston and Christina Lazicki seek to represent "The Pre-Tyler Damages Class".

73. Plaintiff Ronald Trout on behalf of the Estate of Alfretta Trout seeks to represent "The Post-Tyler Damages Class".

74. Excluded from the classes set forth above are: (a) Defendants, any entity or division in which Defendants have a controlling interest, and their legal representatives, officers, directors, assigns, and successors; (b) the Judge to whom this case is assigned and the Judge's staff; (c) any class counsel or their immediate family members; (d) any State or any of its agencies; and (e) any individual

²December 5, 2003 reflects the 20 year statute of limitations authorized pursuant to N.J.S.A. 2A:14-7 while May 25, 2023 reflects the date Tyler v. Hennepin County, et al., 598 U.S. 631, 143 S.Ct. 1369 (2023) was unanimously decided.

who otherwise would be included under one or more of the class descriptions above but who has filed an individual lawsuit seeking the same relief from the same parties.

75. Plaintiffs reserve the right to amend the class definitions set forth above if discovery and/or further investigation reveals that any class should be expanded, divided into subclasses, or modified in any way.

Numerosity

76. Members of the classes are so numerous that the individual joinder of all absent class members is impracticable.

77. While the exact number of class members is unknown to Plaintiffs at this time, based upon the publicly available County records of sold tax sale certificates, and filed foreclosure actions based upon an unredeemed tax sale certificate, the proposed classes likely include at least hundreds, if not thousands, of members.

78. This is especially true given the 20-year statute of limitations for actions at law for real estate. See N.J.S.A. 2A:14-7.

79. The Pacific Legal Foundation, a nonprofit legal organization that fights to protect Constitutional rights nationwide, conducted a study concerning the issue of "home equity theft" in all 12 states that permit unconstitutional

takings of real property, including New Jersey.³

80. In their "home equity theft study", the Pacific Legal Foundation examined the size and scope of home equity theft in 30 of the largest cities in the state of New Jersey from 2014 to 2021, which comprised of 628 homes total.

81. Results of this study revealed that on average, homeowners (putative class members here), lost on average 89% of their home equity, which comprised of \$102 million.

Typicality

82. Plaintiffs' claims are typical of claims of the classes in that Plaintiffs, like all class members, had ownership interest in real property in the State of New Jersey, which was either taken without just compensation, due to a foreclosure action based upon a tax sale certificate.

83. Moreover, the factual bases of Defendants' misconduct are common to all class members and represent a common thread of misconduct resulting in damages to all members of the classes in that the taking without just compensation was and is permitted by the unconstitutional statute, New Jersey Tax Sale Law, N.J.S.A. 54:5-86.

Adequacy of Representation

84. Plaintiffs will fairly and adequately represent and protect

³ <https://homeequitytheft.org/size-and-scope>

the interests of the classes.

85. Plaintiffs have retained counsel with substantial experience litigating civil rights cases and class action matters.

86. Plaintiffs and their counsel are committed to vigorously prosecuting this action on behalf of the classes and have the financial resources to do so.

87. Neither Plaintiffs nor their counsel have interests adverse to the classes.

Predominance of Common Questions

88. Plaintiffs bring this action under R. 4:32-1(b)(3) because there are numerous questions of law and fact common to Plaintiffs and the class members that predominate over any question affecting only individual class members. The answers to these common questions will advance resolution of the litigation as to all class members.

89. These common legal and factual issues include, but are not limited to:

a. Whether the New Jersey Tax Sale Law, N.J.S.A. 54:5-86 violates Article I, Section 20 of the New Jersey Constitution;

b. Whether the New Jersey Tax Sale Law, N.J.S.A. 54:5-86 violates Article I, Section 12 of the New Jersey Constitution;

- c. Whether the sale and retention of Plaintiff and class members' foreclosed properties without remitting to them the excess or surplus value or proceeds resulting from such sale or retention constitutes a taking of private property;
- d. Whether the sale and retention of Plaintiff and class members' foreclosed properties without remitting to them the excess or surplus value or proceeds resulting from such sale or retention constitutes excessive fines;
- e. The appropriate measure of damages to be paid to Plaintiffs and class members; and
- f. Whether to declare defective title to all real property acquired pursuant to New Jersey Tax Sale Law, N.J.S.A. 54:5-86.

Superiority

- 90. Plaintiffs and members of the classes have suffered damages as a result of Defendants' unconstitutional conduct.
- 91. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.
- 92. Absent a class action, most class members would likely find the cost of litigating their claims to be prohibitively high and, therefore, would have no effective remedy at law or equity.

93. Further, without class litigation, class members will continue to incur damages.

94. Class treatment of common questions of law and fact will conserve the resources of the courts and the litigants and will promote consistency and efficiency of adjudication.

Rule 32(b) (2) Declaratory Relief

95. In addition to the above, Plaintiffs bring this class action pursuant to R. 4:32-1(b) (2) because Defendants have acted or refused to act on grounds that apply generally to the classes, such that final declaratory relief is appropriate with respect to each class as a whole.

96. Plaintiffs and class members seek a declaration that the New Jersey Tax Sale Law, N.J.S.A. 54:5-86 is unconstitutional and that all titles to real property unlawfully transferred pursuant to a Superior Court final judgment in a tax sale certificate foreclosure action from December 5, 2003 to the time of class certification is defective.

CAUSES OF ACTION

**COUNT I: New Jersey Civil Rights Act, N.J.S.A. 10:6-2
Violation of Article I, § 20 of the N.J. Constitution
Taking Without Just Compensation**

97. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

98. This count is brought by all Plaintiffs and on behalf of

all classes.

99. By passing, implementing, enforcing, and/or endorsing the unconstitutional New Jersey Tax Sale Law, N.J.S.A. 54:5-86, Defendants violated plaintiffs' and class members' rights guaranteed by the Article I, Section 20 of the New Jersey Constitution.

100. Article I, Section 20 of the New Jersey Constitution provides: "Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners."

101. When title to private real property is stripped from an individual by virtue of a statutory provision that allows conversion of title to a new owner without the requirement of providing just compensation, a taking is effectuated.

102. Defendants are responsible for passing, implementing, enforcing, and/or endorsing the unconstitutional New Jersey Tax Sale Law, N.J.S.A. 54:5-86, that permits takings without just compensation.

103. Such an unlawful taking violates the Article I, Section 20 of the New Jersey Constitution.

104. All Plaintiffs and class members have suffered damages as a result of Defendants' violations of their Constitutional

rights under Article I, Section 20.

COUNT II: New Jersey Civil Rights Act, N.J.S.A. 10:6-2
Violation of Article I, § 20 of the N.J. Constitution
Taking Without A Valid Public Use

105. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

106. This count is brought by all Plaintiffs and on behalf of all classes against all Defendants.

107. By passing, implementing, enforcing, and/or endorsing the unconstitutional New Jersey Tax Sale Law, N.J.S.A. 54:5-86, Defendants violated plaintiffs' and class members' rights guaranteed by Article I, Section 20 of the New Jersey Constitution.

108. Article I, Section 20 of the New Jersey Constitution provides: "Private property shall not be taken for public use without just compensation. Individuals or private corporations shall not be authorized to take private property for public use without just compensation first made to the owners."

109. When title to private real property is stripped from an individual by virtue of a statutory provision that allows conversion of title to a new owner for no valid public use, a taking is effectuated.

110. Defendants are responsible for passing, implementing, enforcing, and/or endorsing the unconstitutional New Jersey

Tax Sale Law, N.J.S.A. 54:5-86, that permits takings for no valid public use.

111. Such an unlawful taking violates Article I, Section 20 of the New Jersey Constitution.

112. All Plaintiffs and class members have suffered damages as a result of Defendants' violations of their Constitutional rights under Article I, Section 20.

COUNT III: New Jersey Civil Rights Act, N.J.S.A. 10:6-2
Violation of Article I, § 12 of the N.J. Constitution
Excessive Fines

113. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

114. This count is brought by all Plaintiffs and on behalf of all classes against all Defendants.

115. By passing, implementing, enforcing, and/or endorsing the unconstitutional New Jersey Tax Sale Law, N.J.S.A. § 54:5-86, Defendants violated plaintiffs' and class members' rights guaranteed by the Article 1, Section 12 of the New Jersey Constitution.

116. Article 1, Section 12 of the New Jersey Constitution prohibits the imposition of excessive fines.

117. By confiscating Plaintiff and class members' entire interest in real property, including the excess equity, due to non-payment of small amounts of real estate taxes, an excessive fine is levied.

118. Defendants are responsible for passing, implementing, enforcing, and/or endorsing the unconstitutional New Jersey Tax Sale Law, N.J.S.A. 54:5-86, that permits excessive fines for small amounts of delinquent real estate taxes.

119. Such an excessive fine violates Article I, Section 12 of the New Jersey Constitution.

120. All Plaintiffs and class members have suffered damages as a result of Defendants' violations of their Constitutional rights under Article I, Section 12.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiffs hereby demand trial by jury on all issues set forth herein.

PRAYER FOR RELIEF

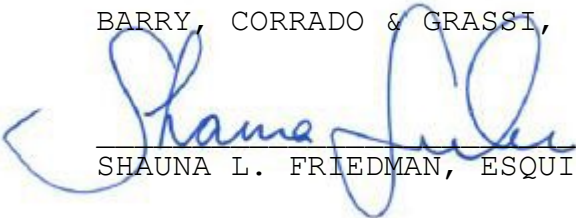
WHEREFORE, Plaintiffs respectfully request the following relief:

- a. Certification of this matter as a class action pursuant to New Jersey Rule of Civil Procedure 32;
- b. Appointment of Plaintiffs William Gaston and Christina Lazicki, and Plaintiff Ronald Trout on behalf of the Estate of Alfretta Marie Trout as class representatives of "The Pre-Tyler Damages Class" and "The Post-Tyler Damages Class", respectively.
- c. Appointment of the undersigned counsel as class counsel;
- d. Award of damages in the form of just compensation, plus interest;

- e. An award of reasonable attorneys' fees and costs;
- f. A declaration that New Jersey Tax Sale Law, N.J.S.A. § 54:5-86, is unconstitutional;
- g. A declaration that title to all real property acquired pursuant to New Jersey Tax Sale Law, N.J.S.A. § 54:5-86, is defective;
- h. A declaration that because title to all real property acquired pursuant to New Jersey Tax Sale Law, N.J.S.A. § 54:5-86, is defective, Plaintiffs and class members must be fairly compensated to remedy the defect;
- i. Such other relief as the court deems just and equitable.


Respectfully submitted,

BARRY, CORRADO & GRASSI, P.C.



SHAUNA L. FRIEDMAN, ESQUIRE

BARRY, CORRADO & GRASSI, P.C.



OLIVER T. BARRY, ESQUIRE
Attorneys for Plaintiffs

Dated: December 5, 2023

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Oliver T. Barry, Esq. is hereby designated as trial counsel in the above-captioned litigation for the firm of Barry, Corrado & Grassi, PC pursuant to R. 4:5-1.

CERTIFICATION PURSUANT TO R. 4:5-1

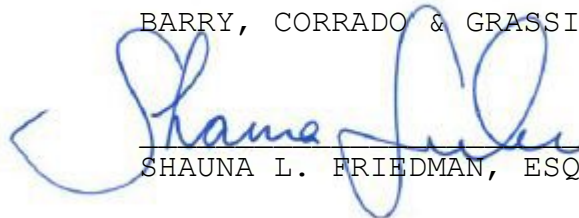
Undersigned counsel certifies that the following actions are pending involving the same subject matter of this controversy:

- Tyler v. Hennepin County, et al.
United States District Court for the District of Minnesota
Civ. Case No.: 0:20-cv-889
- Johnson v. City of East Orange, et al.
New Jersey Superior Court, Chancery Division
Docket No.: ESX-C-16-23
Transferred from New Jersey Superior Court, Law Division
Docket No.: ESX-L-9175-21

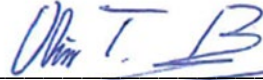
Undersigned counsel further certifies that there are no known parties who should be joined to the present action at this time.

I certify that the foregoing to be true and I am aware that if any of the above is willfully false, I am subject to punishment.

BARRY, CORRADO & GRASSI, P.C.


SHAUNA L. FRIEDMAN, ESQUIRE

BARRY, CORRADO & GRASSI, P.C.

Handwritten signature of Oliver T. Barry in blue ink, consisting of the initials 'O.T.B.' in a stylized, cursive font.

OLIVER T. BARRY, ESQUIRE
Attorneys for Plaintiffs

Dated: December 5, 2023