



**TOWNSHIP OF DOWNE  
CUMBERLAND COUNTY, NEW JERSEY**

	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Cook, D.	X			
Bart, E.	X			
Campbell, R.	X			

<b>Resolution Number: R-69-2016</b> <b>Dated: May 2, 2016</b> <b>Offered By: COOK</b> <b>Seconded By: JORDAN</b>
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**RESOLUTION AUTHORIZING RELEASE OF MORTGAGES IN MATTER OF  
ESTATE OF WILLIAM C. HAND, BLOCK 13, LOT 12, 12 FORTESCUE ROAD,  
NEWPORT, NEW JERSEY**

**WHEREAS**, the Downe Township Committee is authorized and empowered to manage business affairs on behalf of Downe Township; and,

**WHEREAS**, Nathan Van Embden, Esquire (Van Embden) having made inquiry on behalf of the Estate of William C. Hand, owner of 12 Fortescue Road, Newport, New Jersey otherwise known as Block 13, Lot 12, now deceased, which correspondence is dated April 12, 2016 (a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit A); and,

**WHEREAS**, the information provided by Van Embden on behalf of the Estate of William C. Hand including the Contract of Sale, draft HUD-1, Agreement of Sale dated 3-7-2016 and Tax Sale Certificate calculations, indicates an Agreement of Sale for \$29,000.00 of the now present real estate within Downe Township, subject to liens; and,

**WHEREAS**, Van Embden's letter of April 12, 2016 sets forth the scenario of an insolvent estate where the Estate may either approach the Surrogate Court for purposes of receiving a Court Order declaring it insolvent, or the Downe Township Committee can move to accept a compromise amount as to the face value three mortgages on the property for a total amount due this date of \$18,361.00 which the Estate seeks to compromise based upon amounts available after priority liens are paid for \$10,000.00; and,

**WHEREAS**, the Committee recognizes the process of having the Estate declared insolvent will take time and money which operate against the interests of the Township; and,

**WHEREAS**, the Township Committee has an interest in returning the property to an occupied one for purposes of maintenance and ratables as soon as possible and the Township has further interest in maintaining Estate proceeds in order to pay the Township the maximum amount available on the three Small Cities mortgages held by the Township; and,

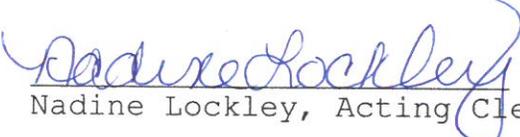
**WHEREAS**, on behalf of the Estate, the roughed out draft HUD-1 Settlement Sheet is attached hereto as Exhibit B showing the proposed distribution of proceeds;

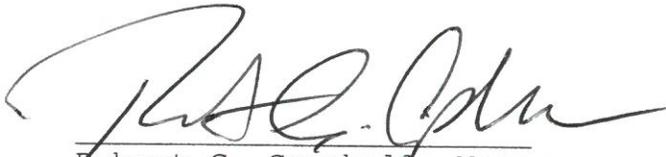
**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey that the Mayor and/or Clerk is hereby authorized to accept the sum of \$10,000.00 in compromise of the small cities mortgages set forth at Book 4000, Page 354 in the amount of \$6,531.00, Book 4012, Page 785 in the amount of \$3,900.00 and

Book 4037, Page 180 in the amount of \$7,930.00 on or before the June 6, 2016 Township Committee meeting pursuant to the request dated April 12, 2016 from Nathan Van Embden, Esquire.

**THIS RESOLUTION** was adopted by the Township Committee of the Township of Downe on May 2, 2016.

ATTEST:

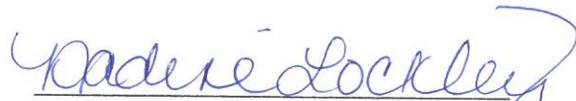
  
Nadine Lockley, Acting Clerk

  
Robert G. Campbell, Mayor

**CERTIFICATION**

The undersigned, Clerk of the Township of Downe, does hereby certify that the foregoing is a true copy of a Resolution adopted by the Downe Township Committee at its Regular Meeting held May 2, 2016.

\_\_\_\_\_  
Date

  
Nadine Lockley, Acting Clerk

Ex. A

**NATHAN VAN EMBDEN**

ATTORNEY AT LAW  
21 E. MAIN STREET  
P.O. BOX 428  
MILLVILLE, NJ 08332

TELEPHONE 856-327-4220  
FAX 856-327-2845

DEAN R. MARCOLONGO, ESQ.

April 12, 2016

John G. Carr, Esquire  
Solicitor, Downe Township  
Cresse and Carr  
39 Cooper Street  
PO Box 357  
Woodbury, NJ 08096

RE: Estate of William C. Hand  
12 Fortescue Road  
Block 13, Lot 12  
Newport, New Jersey

Dear Mr. Carr:

Thank you for your letter of November 6, 2015. I appreciate your pragmatism.

I enclose a copy of the pending Contract for Sale and a draft settlement sheet which includes the known payoffs and obligations of the estate. The estate listed the property for sale with Truxton Real Estate in the mid-forties and then brought the price down to \$35,000.00 and then \$33,000.00. The only offer came in as a cash deal for \$29,900.00. We hope this transaction goes forward as we have no other way of dealing with the pending tax lien foreclosure.

The draft HUD-1 spells out the balances of the tax lien and mortgages payable to Downe Township. My calculation shows that we can expect to be able to pay to the Twp. of Downe a sum of around \$11,000.00 at the time of settlement.

We seek township approval to allow us to get to settlement as early as May 5, 2016. I am asking that the Township agree to accept the sum of \$10,000.00 to satisfy the three mortgages which have a total face value of \$18,361.00. The tax lien is first in priority over those mortgages. If we do nothing, then the property will be lost to the tax sale process and the Township will also receive nothing on the mortgages.

April 12, 2016  
John G. Carr, Esquire  
RE: Estate of William C. Hand  
12 Fortescue Road  
Block 13, Lot 12  
Newport, New Jersey  
Page two

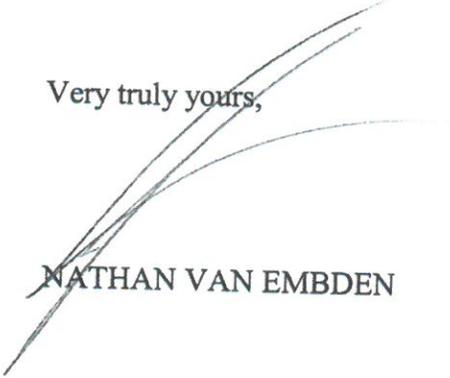
The sale of the property will at least put the property back into productive use and on the tax rolls.

This is an insolvent estate. There will be sufficient funds to pay realtor's commissions and costs of settlement, executor's commissions and out-of-pocket costs, professional fees, and the tax liens. There will be no other funds available to pay creditors and no distribution will be made to Mr. Taylor who is also the only beneficiary.

Would you kindly confer with the township committee and advise if it is agreeable to discharging all or part of the outstanding mortgages on this property dependent upon the redemption balances of the tax tax sale certificate.

Thank you.

Very truly yours,

  
NATHAN VAN EMBDEN

NVE:tm  
Enc.  
c.c. Robert Taylor, Executor  
Our file #11758

**HUD-1 UNIFORM SETTLEMENT STATEMENT**

(Rev. August 1987)

E + B

<b>A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>		<b>SETTLEMENT STATEMENT</b>	
<b>B. TYPE OF LOAN</b>		6. File Number:	7. Loan Number:
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	8. Mortgage Insurance Case Number:	
3. <input type="checkbox"/> CONV. UNINS.	4. <input type="checkbox"/> VA		
	5. <input type="checkbox"/> CONV. INS.		
<p><i>C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.</i></p> <p align="center"><i>NOTE: TIN= Taxpayer's Identification Number.</i></p>			
<b>D. NAME AND ADDRESS OF BORROWER:</b>		<b>E. NAME, ADDRESS AND TIN OF SELLER:</b>	
Gretchen Bausch & Stanley Kershaw 412 Delaware Avenue Monessen, PA 15602		The Estate of William C. Hand 12 Fortescue Road Newport NJ 08345	
<b>F. NAME AND ADDRESS OF LENDER:</b>			
<b>G. Sale of Real Estate Located:</b>		<b>H. SETTLEMENT AGENT: NAME, ADDRESS AND TIN</b>	
12 Fortescue Road Downe Township, NJ  Block 13 Lot 12		TBD	
		<b>I. SETTLEMENT DATE:</b>	
		TBD	5-May-16

<b>J. SUMMARY OF BORROWER'S TRANSACTION</b>	
<b>100. GROSS AMOUNT DUE FROM BORROWER:</b>	
101. Contract sales price	\$ 29,900.00
102. Personal Property	
103. Settlement charges to borrower (line 1400)	\$ 795.80
104.	
105.	
<i>Adjustments for items paid by seller in advance</i>	
106. City/town taxes to	
107. County taxes to	
108. Assesments to	
109.	
110.	
111.	
112.	
<b>120. GROSS AMOUNT DUE FROM BORROWER</b>	<b>\$ 30,695.80</b>

<b>K. SUMMARY OF SELLER'S TRANSACTION</b>	
<b>400. GROSS AMOUNT DUE TO SELLER:</b>	
401. Contract sales price	\$ 29,900.00
402. Personal property	
403.	
404.	
405.	
<i>Adjustments for itmes paid by seller in advance</i>	
406. City/town taxes to	
407. County taxes to	
408. Assesments to	
409.	
410.	
411.	
412.	
<b>420. GROSS AMOUNT DUE TO SELLER</b>	<b>\$ 29,900.00</b>

<b>200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:</b>	
201. Deposit or earnest money	
202. Principal amount of new loan(s) Colonial Bank	
203. Exsisting loan(s) taken subject to	
204. City of Millville Loan Proceeds	
205.	
206.	
207.	
208.	
209.	
<i>Adjustments for items upaid by seller</i>	
210. City/town taxes to	
211. County taxes to	
212. Assesments to	
213.	
215.	
216.	
217.	
218.	
219.	
<b>220. TOTAL PAID BY/FOR BORROWER</b>	<b>\$ -</b>

<b>500. REDUCTIONS IN AMOUNT DUE TO SELLER:</b>	
501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	\$ 6,229.50
503. Existing loan(s) taken subject to	
504. Payoff first Mtg Bk 4000 Pg 354 DowneTwp \$6,531.00	\$ 6,531.00
505. Payoff second Mtg Bk 4012 Pg 785 DowneTwp \$3,900.00	\$ 3,900.00
506. Payoff third Mtg Bk Bk 4037 Pg 180 DowneTwp \$7,930.00	\$ 7,930.00
507. Tax Sale Cert #11-00029 Bk 4080 Pg 6761 redeemed	TBD
508. Tax Sale Cert #12-00011 Bk 4092 pg 5120 as of 3/3/16	\$ 10,425.70
Allegro Acceptance \$4,981.46 per Proof of Claim	\$ 4,981.46
<i>Adjustments for items upaid by seller</i>	
510. City/town taxes to 2016 1st Qtr. Tax lien	\$ 846.25
511. County taxes to	
512. Assesments to	
513. Best Fuel Company \$2,015.00	\$ 2,015.00
Bishop McCarthy Residence \$650.00	\$ 650.00
515. Carney's Mechical Service \$1,440.00	\$ 1,440.00
516. Robert Taylor - Reimburse Out of Pocket	\$ 705.00
517. State of NJ Inheritance Tax - Insolvent Estate	\$ 0.00
518. Robert Taylor - Executor's Commissions (Priority Claim)	\$ 1,500.00
519.	
<b>520. TOTAL REDUCTION AMOUNT DUE SELLER</b>	<b>\$ 47,153.91</b>

<b>300. CASH AT SETTLEMENT FROM/TO BORROWER</b>	
301. Gross amount due from borrower (line 120)	\$ 30,695.80
302. Less amounts paid by/for borrower (line 220)	\$ -
<b>303. CASH ( X FROM) ( TO) BORROWER</b>	<b>\$ 30,695.80</b>

<b>600. CASH AT SETTLEMENT TO/FROM SELLER</b>	
601. Gross amount due to seller (line 420)	\$ 29,900.00
602. Less reductions in amount due seller (line 520)	\$ 47,153.91
<b>603. CASH ( FROM) ( TO) SELLER</b>	<b>\$ ( 17,253.91)</b>

**SUBSTITUTE FORM 1099 SELLER STATEMENT**

The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, line 403 and 404) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. If this real estate is your principal residence, file Form 2119, *Sale or Exchange of Principal Residence*, for any gain, with your income tax return; for other transactions, complete the applicable parts of Form 4797, Form 6252 and/or Schedule D (Form 1040). You are required to provide the Settlement Agent (named above) with your correct taxpayer identification number. If you do not provide the Settlement Agent with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law. Under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number.

\_\_\_\_\_  
(Seller's Signature)

**L. SETTLEMENT CHARGES**

700. TOTAL SALES/BROKERS COMMISSION based on price		\$ 29,900.00	@ 6.000%	\$ 1,794.00			
Division of Commission (line 700) as follows:							
701.	\$897.00 to Truxton Real Estate				PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT	
702.	\$897.00 to Lamon Associates						
703.	Commission paid at Settlement					\$ 1,794.00	
704.							
<b>800. ITEMS PAYABLE IN CONNECTION WITH LOAN</b>							
801.	Loan Origination Fee	%					
802.	Loan Discount	%					
803.	Appraisal Fee	to					
804.	Credit Report	to					
805.	Lender's Inspection Fee						
806.	Mortgage Insurance Application Fee to						
807.	Assumption Fee						
808.							
809.							
810.							
811.							
<b>900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE</b>							
901.	Interest from	to	@ \$	per day			
902.	Mortgage Insurance Premium for		months to				
903.	Hazard Insurance Premium for		years to				
904.			years to				
905.							
<b>1000. RESERVES DEPOSITED WITH LENDER</b>							
1001.	Hazard insurance	months@		per month	\$ -		
1002.	Mortgage insurance	months@		per month	\$ -		
1003.	City property taxes	months@		per month	\$ -		
1004.	County property taxes	months@		per month	\$ -		
1005.	Annual assessments	months@		per month	\$ -		
1006.		months@		per month	\$ -		
1007.		months@		per month	\$ -		
1008.		months@		per month	\$ -		
<b>1100. TITLE CHARGES</b>							
1101.	Settlement or closing fee	to			\$ 275.00	\$ 275.00	
1102.	Abstract or title search	to					
1103.	Title examination	to					
1104.	Title insurance binder	to					
1105.	Document preparation	to					
1106.	Notary fees	to					
1107.	Attorney's fees	to	Nathan Van Embden, Esquire			\$ 3,500.00	
	(includes above items numbers; )						
1108.	Title insurance	to					
	(includes above items numbers; )						
1109.	Lender's coverage						
1110.	Owner's coverage						
1111.							
1112.							
1113.							
<b>1200. GOVERNMENT RECORDING AND TRANSFER CHARGES</b>							
1201.	Recording fees: Mortgage	Deed	Releases (Estimated)		\$ 200.00		
1202.	City/county tax/stamps: Deed \$		Mortgage \$ Tax Waiver		\$ 15.00		
1203.	State tax/stamps: Deed \$29,900; Mortgage \$				\$ 120.00		
1204.							
1205.							
<b>1300. ADDITIONAL SETTLEMENT CHARGES</b>							
1301.	Survey	to					
1302.	Pest Inspection	to					
1303.							
130							
1305.	Taxes 2016 2nd Qtr.				\$ 520.80	\$ 325.50	
1400. TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)					\$ 795.80	\$ 6,229.50	

**CERTIFICATION**

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

\_\_\_\_\_  
Seller

\_\_\_\_\_  
Borrower

\_\_\_\_\_  
Seller

\_\_\_\_\_  
Borrower

To the best of my knowledge the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

\_\_\_\_\_  
Settlement Agent

\_\_\_\_\_  
Date

**WARNING:** It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.