



Classified Ad Receipt
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Customer: UNION BEACH BORO
Address: 650 POOLE AVE
UNION BEACH NJ 07735
USA

Ad No.: 0004043975
Pymt Method Invoice
Net Amt: \$181.70

Run Times: 1

No. of Affidavits: 1

Run Dates: 02/08/20

Text of Ad:

BERNARD M. REILLY, ESQ. - HEARING OFFICER
Borough of Union Beach
Union Beach Municipal Building
650 Poole Avenue
Union Beach, New Jersey 07735
ORDER OF DEMOLITION
308 Broadway, Union Beach, New Jersey, also known as
Block 118, Lot 2 on the Official Union Beach Tax Map

This matter coming before this Hearing Officer pursuant to N.J.S.A. 40:48-2.3 and 2.4 and Section 10-8 et seq. of the Union Beach Revised General Ordinances as codified to determine whether the structure/house at 308 Broadway, Union Beach, New Jersey --- and also known as Block 118, Lot 2 on the Official Union Beach Tax Map should be demolished and the land cleared and leveled, or any other remedy as permitted by law, and it appearing to this Hearing Officer by proofs filed by the Borough Code Enforcement Officer that a Complaint and Notice of Hearing for December 3, 2019 was filed on or about November 12, 2019 and Noticed to the parties on the Service List in the Complaint having a

possible interest in the property, and that the Complaint and Notice of Hearing was further published on

November 21, 2019 in the Asbury Park Press Legal Notices and that jurisdiction for this hearing was properly in place, and it further appearing that at the December 3, 2019 Hearing the following Officials appeared before this Hearing Officer and provided evidence and proofs summarized as follows:

1. Deputy Code Enforcer Joseph McGrath testified that the single family residence at 308 Broadway is presently vacant and appears to have been vacant and abandoned for a substantial period of time. The house is in an advanced state of disrepair, with a hole in the roof and the roof appearing to be sagging and susceptible to collapse. A number of windows panes are missing, the rear door is unsecured, and a crawl space opening is open for access into the building. As a consequence, the building is open in a number of spots to the elements, rain or snow, rodent or animal entry or harborage, and trespass. Various portions of the ceiling and floors are crumbling and deteriorated, and present safety hazards to anyone entering the structure. The water intrusion into the premises has led to observed mold growth on the walls and ceilings. The Deputy Code Enforcer further presented a Report of Monmouth County Board of Health Environmental Health Specialist Matthew Wysokinski detailing various potential health risks arising from the pests and mold issues at the property. The Deputy Code Enforcer further presented a Report by Fire Official Sweeney detailing that the unoccupied house in disrepair presented a potential fire hazard. The Deputy Code Enforcer further presented a Report by Engineer Mullen of Borough Engineer T&M Associates to the Borough Construction Official detailing that the structure on the property is in disrepair, rapidly deteriorating, partially open to the elements, and presenting immediate safety and health hazards to the public.

2. No authorized representative of the property owner the Estate of Irene Mann--- appeared, nor did Wayne Mann, the last known occupant of the house, appear. One Tina Mann, a relative of those parties, did appear. From the title records, her testimony, and the testimony of Deputy Code Enforcer McGrath, the facts appear that the record owner Irene Mann died on May 17, 2005 and in her Will appointed her son Wayne Mann as Executor of her Estate. Wayne Mann was granted in the Will a Life Estate in the property at 308 Broadway. Letters Testamentary were issued to Wayne Mann by the Monmouth County Surrogate (Docket 206889) on June 8, 2005. Apparently Wayne Mann never finalized the Estate or conveyed or finalized title to the property, and the title remains in the Estate of Irene Mann. Wayne Mann lived in the structure for some time, until approximately one year ago, when he was removed to an assisted living facility by an Order for his own health/safety. Shortly thereafter, he voluntarily left that facility and his whereabouts is not known.

3. Even while Wayne Mann was residing there, the premises was not maintained and was unfit for habitation. Since then, the property has been abandoned without maintenance, is open to the elements and trespassers as described, and continues as a safety/health hazard. The attendee Tina Mann did not put forward any plan or intent to finalize the Estate or property title, or to address the condition of the property.

4. One Ronald Koenig, a representative of the Tax Lien holder Runco Developers, was also present and in attendance, but did not present input or testimony other than an action to foreclose the

3600 Highway 66, Neptune, NJ 07753

present input or testimony other than an action to rescind the Tax Lien has been filed.

5. During the proceedings, the Borough attorney and Deputy Code Enforcer presented the following Exhibits in evidence:

- S1 - Complaint with Photographs
- S2 - Engineer's Report dated October 14, 2019
- S3 County Health Report dated August 29, 2019
- S4 Fire Prevention Report dated September 2, 2019
- S5 - Affidavit of Publication dated November 21, 2019
- S6 - Tax Sale Certificate dated March 15, 2019
- S7 - Tax Lien Assignment dated April 17, 2019
- S8 Post Office Address Request dated October 28, 2019
- S9 - Post Office Certification of Mail Receipts
- S10 - Envelopes marked "Undeliverable"
- S11 - Title Search Bill
- S12 -Postage Bill Receipt
- S13 -Notice of Unsafe Structure dated July 16, 2018
- S14 -Letter from one Linda Mann expressing no interest (undated)

Based upon the evidence and documents presented, the Hearing Officer hereby adopts the following findings of fact and conclusions of law:

1. The title to the property at 308 Broadway, Union Beach, is in Wayne O. Mann, as the Executor of the Estate of Irene R. Mann. Irene R. Mann passed on May 17, 2005 and Letters Testamentary were issued to the Executor on June 8, 2005.
2. The Executor Wayne Mann apparently never resolved or finalized the Estate or the title to the property. Wayne Mann continued to reside in the property but failed to maintain the house/structures so that they fell into a complete state of neglect and disrepair. Apparently Wayne Mann was removed from the premises by an Order for his own health and safety approximately one year ago, and thereafter apparently voluntarily left the assisted living facility he was in and his whereabouts are unknown.
3. Under N.J.S.A. 40:48-2.3 and Section 10-8 et seq. of the Union Beach Revised Ordinances the Borough Code Enforcer filed a proper Complaint and Notice of Hearing for an Order Authorizing Demolition of the House/Structure on the property. Proper service to interested persons by mail and publication was effectuated and there is jurisdiction.
4. The evidence and testimony presented established that this house/structure is unfit for human habitation, has been neglected and abandoned, and is a safety/health hazard. The evidence also established there is no one expressing a legal right to the property and an intent to take responsibility and clear up and rehabilitate the premises.
5. A property basis has been established as per the relevant laws for an Order of Demolition of the house/structures on the property. The costs incurred associated with this proceeding include Title Search and related costs, \$500; Postage, \$47.15; County Filing Fees, \$10.00; Legal Notice costs for publication, \$46.08; Total - \$603.23. It is therefore on this 31ST day of December, 2019 ORDERED as follows:

1. The house/structure located on 308 Broadway (Block 118, Lot 2) in Union Beach, New Jersey shall be authorized to be demolished and removed by the Borough/Code Enforcement Officer commencing forty-five (45) days after the posting of this Order or the Borough may contract for said demolition as provided by law.
2. The costs of said demolition incurred by the Borough shall be placed as a Municipal Lien on the property (Block 118, Lot 2). The associated costs incurred by the Borough as detailed above in the amount of \$603.23 shall also be assessed and levied as a Municipal Lien on the property.
3. Any person or party in interest aggrieved by this Order may, within thirty (30) days after the posting of this Order, bring an action for Injunctive Relief or Restraints from the carrying out of the terms and directions in this Order or other appropriate relief. Failure to file such action within that period of time will preclude or bar such action.
4. Any owner or party in interest may, within thirty (30) days after the filing of any Lien Certificate, proceed in a summary manner in an action in Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the Municipal Lien Certificate.
5. Copies of the Order are to be posted and served within three (3) weeks of the date of this Order in accord with N.J.S.A. 482-7.

/S/BERNARD M. REILLY,
BERNARD M. REILLY,
Hearing Officer
(\$146.70)

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