

2012
11-143
TQ



13-076234 Deed > 1,000,000
V Bk: 01452 Pg: 1490-1500 Rec. Fee \$143.00
John S. Hogan, Bergen County Clerk
Recorded 07/11/2013 03:03:09 PM

CBD Kerslop of File
JMF

#12

Consideration : \$1,016,000.00
Realty Transfer Fee : \$3,768.60
State Portion : \$6,945.60
County Portion : \$1,524.00
Municipality Portion : \$1,299.00
L's Grantee Fee : \$10,160.00

Prepared By:

Thomas Quirico
Thomas Quirico
Attorney-at-Law
State of New Jersey

419
2,3,4

THIS INDENTURE, made this 4th day of MARCH 2013 Between: MICHAEL SAUDINO, Sheriff of the County of Bergen in the state of New Jersey, party of the first part and

214 KINDERKAMACK, L.L.C.
10 DEVON ROAD
BOONTON TOWNSHIP, NEW JERSEY 07005

party of the second part.

WITNESSETH:

WHEREAS, on the 23rd day of FEBRUARY 2012 a certain Writ of Execution was issued out of the Superior Court of New Jersey, Chancery Division, Bergen County, Docket F-260-11 directed and delivered to the Sheriff of the said County of Bergen, and which said Writ is in the words or to the effect following that is to say:

THE STATE OF NEW JERSEY

TO: THE SHERIFF OF THE COUNTY OF BERGEN

GREETING:

WHEREAS, on the 23rd day of FEBRUARY 2012 by a certain judgment made in our Superior Court of New Jersey in a certain cause therein pending, wherein the Plaintiff is: TD BANK, N.A. and the following named parties are the:

Defendant(s): EMERSON HOLDINGS, LLC; GREGORY T'S, INC; GREGORY KYRITSIS; THE ESTATE OF THEOCHARIS A. PHILIPPOU

IT WAS ORDERED AND ADJUDGED that certain mortgaged premises, with the appurtenances, in the Complaint and Amendments to Complaint, if any, in the said cause particularly set forth and described, that is to say: The mortgaged premises are described as set forth upon the RIDER ANNEXED HERETO AND MADE A PART HEREOF.

BEING KNOWN AS tax Lot(s) 2,3 & 4
Block 419
COMMONLY KNOWN AS:
214 KINDERKAMACK ROAD
EMERSON, NEW JERSEY 07630

TOGETHER with all and singular the rights, liberties, privileges, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, use, property, claim and demand of the said defendant of, in to, and out of the same, to be sold, to pay and satisfy in the first place unto the plaintiff **TD BANK, N.A.** the sum of **\$1,737,801.79** being the principal, interest and advances secured by a certain Mortgage dated **23rd of APRIL 2009** and given by **EMERSON HOLDINGS, LLC** together with the interest from **JANUARY 31, 2012** to pay and satisfy unto the plaintiff **EMERSON HOLDINGS, LLC**, and lawful interest thereafter until the same be paid and satisfied.

AND for that purpose, a Writ of Execution should issue directed to the Sheriff of the County of Bergen, commanding him to make sale as aforesaid; and that the surplus money arising from such sale, if any there be, should be brought into our said Court, as by the said judgment remaining as of record in our said Superior Court of New Jersey, at Trenton, doth and may more fully appear; and

WHEREAS, the costs and Attorney's fees of the said plaintiff have been duly taxed at the sum of **\$ 8,288.24**.

THEREFORE, you are hereby commanded that you cause to be made of the premises aforesaid, by selling so much of the same as may be needful and necessary for the purpose, the said sum of **\$1,737,801.79** and the same you do pay to the said Plaintiff, together with lawful interest thereon as aforesaid, and the sum aforesaid of costs with interest thereon;

AND that you have the surplus money, if any there be before our Superior Court of New Jersey aforesaid, at Trenton, within 30 days after, pursuant to R.4: 59-1(a) to abide the further Order of this said Court, according to the judgment aforesaid, and you are to make return at the time and place aforesaid by certificate under your hand, of the manner in which you have executed our Writ, together with this Writ, and if no sale, this Writ returnable within twenty-four (24) months.

WITNESS, the Honorable **MARY C. JACOBSON**, Judge of the Superior Court at Trenton aforesaid on the **23rd** day of **FEBRUARY 2012**.

Attorneys for Plaintiff

/S/ JENNIFER M. PEREZ
Jennifer M. Perez, Acting
Clerk of the Superior Court

As by the record of said Writ of Execution in the Office of the Superior Court of New Jersey, at Trenton, in Book (F-12) Executions, on page (001435) may more fully appear.

AND WHEREAS I, the said **Michael Saudino**, as such Sheriff as aforesaid did in due form of law, before making such sale give notice of the time and place of such sale by public advertisement signed by myself, and set up in my office in the Sheriff's Office Building in Bergen County, being the County in which said real estate is situate and also set up at the premises to be sold at least three weeks next before the time appointed for such sale.

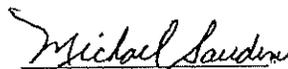
I also caused such notice to be published four times in two newspapers designated by me and printed and published in the said County, the County wherein the real estate sold is situate, the same being designated for the publication by the Laws of this State, and circulating in the neighborhood of said real estate, at least once a week during four consecutive calendar weeks. One of such newspapers, **The Bergen Record** and **The Herald News** newspaper with circulation in **Hackensack**, the County seat of said **Bergen County**. The first publication was at least twenty-one days prior and the last publication not more than eight days prior to the time appointed for the sale of such real estate, and by virtue of the said Writ of Execution, I did offer for sale said land and premises at public venue at the County **Sheriff's Office Building** in **Hackensack** on the **22nd of FEBRUARY 2013** at the hour of two o'clock in the p.m.

WHEREUPON the said party of the second part bidding therefore for the same, the sum of **ONE MILLION SIXTEEN THOUSAND (\$1,016,000.00) DOLLARS AND NO CENTS** and no other person bidding as much, I did then and there openly and publicly in due form of law between the hours of two o'clock in the afternoon, strike off and sell tracts or parcels of land and premises for the sum of **ONE MILLION SIXTEEN THOUSAND (\$1,016,000.00) DOLLARS AND NO CENTS** to the said party of the second part being then and there the highest bidder for same. And on the **4th day of MARCH 2013** in the year last aforesaid I did truly report the said sale to the Superior Court of New Jersey, Chancery Division and no objection to the said sale having been made, and by Assignment of Bid filed with the Sheriff of Bergen County said bidder assigned its bid to: **N/A**

NOW, THEREFORE, this Indenture witnesseth, that I, the said Michael Saudino, as such Sheriff as aforesaid under and by the virtue of the said Writ of Execution and in execution of the power and trust in me reposed and also for an in consideration of the said sum of **ONE MILLION SIXTEEN THOUSAND (\$1,016,000.00) DOLLARS AND NO CENTS** therefore acquit, exonerate and forever discharge to the said party of the second part, its successors and assigns, all and singular the said tract or parcel of lands and premises, with the appertaining; to have and hold the same, unto the said party of the second part, its successors and assigns to its and their only proper use, benefit, and behoove forever, in as full, ample and beneficial manner as by virtue of said Writ of Execution I may, can or ought to convey the same. And I, the said Michael Saudino, do hereby covenant, promise and agree, to and with the said party of the second part, its successors and assigns, that I have not, as such Sheriff as aforesaid, done or caused, suffered or procured to be done any act, matter or thing whereby the said premises, or any part thereof, with the appurtenances, are or may be charged or encumbered in estate, title or otherwise.

IN WITNESS WHEREOF, I the said Michael Saudino as such Sheriff as aforesaid, have hereunto set my hand and seal the day and year aforesaid.

Signed, sealed and delivered
in the presence of

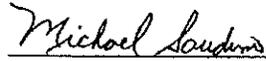

Michael Saudino, Sheriff

Frances K Napolitano Notary Public New Jersey My Commission Expires 9-15-15
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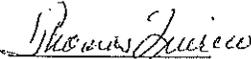
STATE OF NEW JERSEY)

COUNTY OF BERGEN)

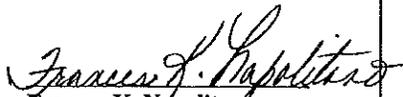
I, **Michael Saudino, Sheriff**, of the County of Bergen, do solemnly swear the real estate described in this deed made **214 KINDERKAMACK, L.L.C.** subsisting execution (or as the case may be) as is there in recited, that the money ordered to be has not been to my knowledge or belief paid or satisfied that the time and place of the same of said real estate were by me duly advertised as required by law and the same was cried off and sold to a bona fide purchaser for the best price that could be obtained and the true consideration for this conveyance as set for was by me sold by virtue of good and this **ONE MILLION SIXTEEN THOUSAND (\$1,016,000.00) DOLLARS AND NO CENTS.**


Michael Saudino, Sheriff

Sworn before me, Thomas Quirico, on this 4th day of MARCH 2013 and I having examined the deed above mentioned to approve the same and order it to be recorded as a good and sufficient conveyance of the real estate therein described.


Thomas Quirico
Attorney-at-Law
State of New Jersey

On this 4th day of MARCH 2013 before me, the subscriber **Frances K. Napolitano**, personally appeared **Michael Saudino, Sheriff** of the County of Bergen aforesaid, who is, I am satisfied, the grantor in the within Indenture named, and I having first made known to him the contents thereof, he did thereupon acknowledge that he signed, sealed and delivered the same on his voluntary act and deed, for the uses and purposes therein expressed.


Frances K. Napolitano

Frances K Napolitano
Notary Public
New Jersey
My Commission Expires 9-15-15

Sheriff's Deed

Michael Saudino

SHERIFF OF BERGEN COUNTY

TO

.....
.....
214 KINDERKAMACK, L.L.C.
.....
.....

DATED: MARCH 4, 2013

return to:
Stewart Title Agency
198 Boulevard
Hobbrauck Heights, NJ 07604

EE

DEMBO & SALDUTTI, LLP
James W. Burns, Esquire (cd)
1300 ROUTE 73, SUITE 205
MOUNT LAUREL, NEW JERSEY 08054
(856) 354-8866
ATTORNEYS FOR PLAINTIFF

TD BANK, N.A.,

Plaintiff,

-v-

EMERSON HOLDINGS, LLC;
GREGORY T'S, INC.; GREGORY
KYRITSIS; ^{THE ESTATE OF} and THEOCHARIS A.
PHILIPPOU,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
CHANCERY DIVISION

Docket No F-260-11

Civil Action

WRIT OF EXECUTION

**THE STATE OF NEW JERSEY TO THE
SHERIFF OF THE COUNTY OF BERGEN,
GREETINGS:**

WHEREAS, on the 23rd day of February 2012 by a certain judgment

made in our Superior Court of New Jersey, in a certain cause therein pending,

wherein, **TD BANK, N.A.** is Plaintiff and **EMERSON HOLDINGS, LLC;**
GREGORY T'S, INC.; ^{THE ESTATE OF} **GREGORY KYRITSIS;** and **THEOCHARIS A.**

PHILIPPOU are Defendants, it was ORDERED and ADJUDGED that certain

mortgaged premises, with the appurtenances, in the complaint and amendments to
complaint (if any) in the said cause particularly set forth and described, that is to say

All the following tract or parcel of land and premises hereinafter particularly described
in Exhibit "A" attached hereto.

Together, with all and singular the rights, liberties, privileges, hereditaments,
and appurtenances thereunto belonging, or in anyway appertaining, and the reversion

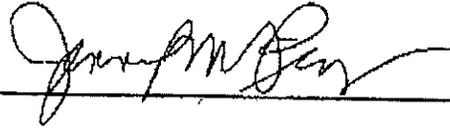
and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, use, property, claim and demand of the said defendants, of, in, to, and out of the same, be sold, to pay and satisfy first unto the Plaintiff the sum of \$1,737,801.79, being the amount due _____ secured by a certain mortgage given by Emerson Holdings, LLC, bearing the date of the 23rd day of April, 2009, together with lawful interest from _____ January 31, 2012. _____ and thereafter with lawful interest on the total sum due Plaintiff, until the same be paid and satisfied and also the costs of Plaintiff; and that for that purpose a writ of execution should issue, directed to the Sheriff of the County of Bergen, commanding him to make sale as aforesaid, and that the surplus money arising from such sale, if any there be, should be brought into said Court, subject to the further order of said Court, as by the said judgment remaining as of record in our Superior Court of New Jersey at Trenton, doth and may more fully appear; and

WHEREAS, the costs of the Plaintiff have been duly taxed at the sum of \$8,288.24
\$ _____

THEREFORE, you are hereby commanded that you cause to be made of the premises aforesaid, by selling so much of the same as may be needful and necessary for the purpose, the said sum of \$1,737,801.79, and the same you do pay to the Plaintiff or its attorneys, Dembo & Saldutti, LLP, together with the interest thereon as aforesaid, and the sum aforesaid of costs; and that you have the surplus money, if any there be, before the Superior Court of New Jersey aforesaid, at Trenton, New Jersey within thirty (30) days after sale to abide the further order of said Court, according to the judgment aforesaid, and you are to make return at the time and place aforesaid, by certificate under your hand, of the manner in which you have executed this our writ, together with this writ. If no sale, writ returnable within twenty-four (24) months.

R 4 59-1(a).

WITNESS, the Honorable Mary C. Jacobson, Presiding Judge of the Superior Court, at Trenton, New Jersey, as aforesaid, the 23rd day of February 2012



Jennifer M. Perez, Esq.
Clerk of Superior Court

DEMBO & SALDUTTI, LLP
Attorneys for Plaintiff

By: _____

James W. Burns



EXHIBIT "A"

The mortgaged premises are described as 214 Kinderkamack Road, Emerson, New Jersey 07630, with the following metes and bounds description as part of the aforesaid recorded Mortgage:

LEGAL DESCRIPTION

ALL that tract or parcel of land and premises, situate, lying and being in the Borough of Emerson, County of Bergen and State of New Jersey and being more particularly bounded and described as follows:

Being Lots 6 through 18 inclusive in Block V as shown on "Emwood Heights, Hasbrouck Building Co. Development" filed in the Bergen County Clerk's Office on February 15, 1928 as Map No. 2371 and being more particularly bounded and described as follows:

BEGINNING at a point in the northwesterly sideline of Kinderkamack Road, 50 feet wide, where the same is intersected by the southwesterly sideline of Lincoln Boulevard, 50 feet wide, as shown on "Emwood Heights, Hasbrouck Building Co. Development" filed in the Bergen County Clerk's Office on February 15, 1928 as Map No. 2371 and running thence;

1) along Kinderkamack Road, South 45 degrees 54 minutes 00 seconds West 166.63 feet to a point where the same is intersected by the division line between Lots 5 and 6 in Block V as shown on said map of "Emwood Heights"; thence

2) along Lot 5 being land now or formerly of Super Value, Inc. described in Deed Book 6958 at page 155, North 44 degrees 06 minutes 00 seconds West 100.00 feet to a point in the line of lands now or formerly of the Borough of Emerson; thence

3) along the Borough of Emerson, North 45 degrees 54 minutes 00 seconds East 45.43 feet to an angle in the same; thence

4) still along the lands of the Borough of Emerson, North 55 degrees 03 minutes 00 seconds West 83.32 feet to a point where the same is intersected by the division line between Lots 18 and 19 in Block V as shown on the aforementioned Filled Map; thence

5) along Lot 19 lands now or formerly of Casey described in Deed Book 6843 at Page 322, North 34 degrees 57 minutes 00 seconds East, 100.00 feet to a point in the aforementioned southwesterly sideline of Lincoln Boulevard; thence

6) along Lincoln Boulevard, South 55 degrees 03 minutes 00 seconds East 204.52 feet to the point or place of BEGINNING.

The above description was drawn in accordance with a survey prepared by Richard F. Smith, Jr., dated March 12, 2009.

FOR INFORMATION ONLY: Being Lot(s) 2, 3 & 4 in Block 419 Tax Map of the Borough of Emerson, County of Bergen, State of New Jersey.

State of New Jersey
AFFIDAVIT OF CONSIDERATION
(STATEMENT OF PRIOR MORTGAGES, LIENS OR ENCUMBRANCES)
FOR
SHERIFF'S DEEDS
(C. 225, P.L. 1979)

To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended, and c. 225, P.L. 1979

STATE OF NEW JERSEY :SS
COUNTY OF BURLINGTON :

FOR RECORDER'S USE ONLY
Consideration \$ 1,016,000.00
Realty Transfer Fee \$ 10,760.00
Date _____ By _____

IMPORTANT NOTE:

This form is to be attached to all Sheriff's Deeds not otherwise exempt pursuant to N.J.S.A. 46:15-10, when presented to the County Clerk or Register of Deeds for Recording. One of the following blocks MUST be checked:

- NO PRIOR MORTGAGES OR LIENS ARE OUTSTANDING.
- PRIOR MORTGAGES OR LIENS OUTSTANDING AND NOT EXTINGUISHED BY THIS SALE ARE AS LISTED IN SECTION 2-BELOW.

(1) PARTY OR LEGAL REPRESENTATIVE

TD BANK, N.A.

(Plaintiff)

DEMBO & SALDUTTI, LLP

(Legal Representative for Plaintiff)

("Legal representative" is to be interpreted broadly to include any person actively and responsibly participating in the transaction, such as but not limited to: an attorney representing one of the parties; a closing officer of a title company or lending institution participating in the transaction; a holder of power of attorney from plaintiff.)

(2) CONSIDERATION

Deponent states that, with respect to the deed hereto annexed, there follows the name or names of all mortgagees and other holders of encumbrances constituting "consideration" as defined in the act to which this act is a supplement (C. 46:15-5(c)), to which such sale shall be subject. Such prior mortgages, liens and encumbrances are as follows:

NAME OF SECURED PARTY

CURRENT AMOUNT DUE

Table with 2 columns: NAME OF SECURED PARTY, CURRENT AMOUNT DUE. The table is mostly empty with some faint lines.

This sale is subject to any and all unpaid taxes, municipal liens or any other charges which maybe due and owing whether set forth herein or not. All interested parties are to conduct and rely upon their own independent investigation to ascertain whether or not any outstanding liens or encumbrances remain of record and/or have priority over the lien being foreclosed hereby and, if so, to ascertain the current amount due.

TOTAL \$ _____

NOTE: The amount of consideration on which the Realty Transfer Fee shall be calculated shall include both the total listed above and the amount bid at the sale as set forth in the Sheriff's Deed.

Deponent makes this affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968, as amended, and c. 225, P.L. 1979.

Subscribed and sworn to before me this
14th day of March, 2012

Cynthia Davis
CYNTHIA DAVIS

NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 23, 2012

James W. Burns
Name of Deponent
James W. Burns, Esquire
Dembo & Saldutti, LLP
1300 Route 73, Suite 205
Mount Laurel, NJ 08054
Address of Deponent

AMOUNT BID AT
SHERIFF SALE
\$ 1,016,000

FOR OFFICIAL USE ONLY. This space for use of County Clerk or Register of Deeds.
Instrument Number _____ County _____
Deed Number _____ Book _____ Page _____
Deed Dated _____ Date Recorded _____

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE REVERSE SIDE HEREOF.
This form is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered or amended without the approval of the Director.
ORIGINAL - To be attached to Sheriff's Deed.
DUPLICATE - To be retained by Sheriff's Office

MUST SUBMIT IN DUPLICATE

AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER

(Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM

STATE OF NEW JERSEY

COUNTY

Bergen

SS. County Municipal Code 0214

MUNICIPALITY OF PROPERTY LOCATION

Borough of Emerson

FOR RECORDER'S USE ONLY

Consideration \$ 1,016,000.00
RTF paid by buyer \$ 9,768.60
Date By

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

XXX-XX-X 372

Deponent, Jennifer Y. Bell, being duly sworn according to law upon his/her oath,

deposes and says that he/she is the Officer of Title Company in a deed dated 3/4/13 transferring

real property identified as Block number 419 Lot number 2, 3 & 4 located at

15 & 9 Lincoln Boulevard, 214 Kinderkamack Road, Borough of Emerson, Bergen and annexed thereto.

(2) CONSIDERATION \$ 1,016,000.00 (See Instructions #1, #5, and #11 on reverse side)

Entire consideration is in excess of \$1,000,000:

PROPERTY CLASSIFICATION CHECKED BELOW SHOULD BE TAKEN FROM THE OFFICIAL TAX LIST (A PUBLIC RECORD) OF THE MUNICIPALITY WHERE THE REAL PROPERTY IS LOCATED IN THE YEAR THAT THE TRANSFER IS MADE.

(A) When Grantee is required to remit the 1% fee, complete below:

- Class 2 - Residential
Class 3A - Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property
Class 4A - Commercial Properties (if checked, calculation on (C) required below)
Class 4C - Residential Cooperative Unit (4 Families or less)

(B) When Grantee is not required to remit the 1% fee, complete below:

- Property class. Circle applicable class(es): 1 4B 4C 15
Exempt Organization pursuant to federal Internal Revenue Code of 1986
Incidental to corporate merger or acquisition and equalized assessed valuation less than 20% of total value of all assets exchanged in merger or acquisition (if checked, calculation in (C) below required and MUST ATTACH COMPLETED RTF-4)

(C) REQUIRED CALCULATION OF EQUALIZED ASSESSED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS: (See Instructions #6 and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Valuation

\$ 2,065,300.00 + 94.52 % = \$ 2,185,040.20

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed valuation. If Director's Ratio is equal to or in excess of 100%, the assessed valuation will be equal to the equalized value.

(3) TOTAL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(4) Deponent makes Affidavit of Consideration for Use by Buyer to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith pursuant to the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 10th day of July, 2013

Signature of Deponent: Jennifer Y. Bell

214 Kinderkamack LLC
Grantee Name

198 Boulevard
Hasbrouck Heights, NJ 07604
Deponent Address

214 Kinderkamack Road, Emerson NJ 07630
Grantee Address at Time of Sale

Signature of Notary: Christine A. Lafaso

CHRISTINE A. LAFASO
A Notary Public of New Jersey
My Commission Expires AUGUST 24, 2015

Stewart Title Agency of Bergen County
Name/Company of Settlement Officer

FOR OFFICIAL USE ONLY

Instrument Number County
Deed Number Book Page
Deed Dated Date Recorded

County Recording Officers shall forward one copy of each Affidavit of Consideration for Use by Buyer recorded with deeds to:

STATE OF NEW JERSEY-DIVISION OF TAXATION

PO BOX 261

TRENTON, NJ 08696-0261

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and it may not be altered or amended without prior approval of the Director. For further information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at www.state.nj.us/treasury/taxation/lpt/localtax.htm

