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RECEIVED and
FILED
FEB 11 2014
ATLANTIC COUNTY
LAW DIVISION

CASINO REINVESTMENT DEVELOPMENT
AUTHORITY, a public corporate body of the State
of New Jersey,

Plaintiff,

vs.

CHARLES BIRNBAUM; LUCINDA
BIRNBAUM; LOUIS TAYLOR DAVIS; GERALD
GITTENS; THE ATLANTIC CITY MUNICIPAL
UTILITIES AUTHORITY; THE ATLANTIC CITY
SEWERAGE CO.; and THE CITY OF ATLANTIC
CITY,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ATLANTIC COUNTY
DOCKET NO.

L 589-14

CIVIL ACTION

VERIFIED COMPLAINT

Plaintiff, CASINO REINVESTMENT DEVELOPMENT AUTHORITY ("CRDA"),
having offices at 15 South Pennsylvania Avenue, Atlantic City, New Jersey 08401, says
that:

FIRST COUNT

1. CRDA is a public body in, but not of, the Department of Treasury of the
State of New Jersey pursuant to N.J.S.A. 5:12-153 et seq. (the "Act").
2. CRDA is authorized by N.J.S.A. 5:12-182, as amended and supplemented,
to acquire, by condemnation, any land or buildings in Atlantic City which are necessary
for a project as defined in the Act. CRDA is further authorized to proceed pursuant to

N.J.S.A. 20:3-1, et seq., (the "Eminent Domain Act") as amended and supplemented, to acquire a fee simple or such lesser interest in real property as it shall deem necessary.

3. CRDA, by resolution duly adopted, has determined to acquire the land described in **Exhibit "A"** attached hereto and made a part hereof (the "Property") for public use in connection with the South Inlet Mixed Use Development Project.

4. As required by N.J.S.A. 20:3-6, CRDA has attempted, but has been unable, to acquire the Property through negotiations with the owner. More than fourteen days prior to the date of filing of this complaint, CRDA presented to the owner an offer for the Property (the "Offer") by certified mail, return receipt requested. That Offer was accompanied by a complete copy of an appraisal (the "Appraisal") of the Property made by a qualified professional appraiser. A true copy of the Offer is attached to this complaint as **Exhibit "B"**.

5. The amount of compensation offered by plaintiff for the Property was Two Hundred Thirty Eight Thousand Five Hundred (\$238,500.00) Dollars, the full fair market value of the Property, as established by the Appraisal. The Appraisal contained all of the elements required by law to constitute a "reasonable disclosure" to the owners of the manner in which the amount of compensation offered by CRDA was calculated. As shown in the Appraisal, the amount of compensation offered for the taking of fee title and the taking of all improvements was determined by utilizing the sales comparison approach to value. An identification of the comparable sales utilized in determining the fair market value of the Property; a map and a description of the land and improvements to be acquired; a breakdown of the appraised value allocated to the land and improvements to be acquired; and a statement of the full fair market value of the Property are all included in the Appraisal. A true copy of the Appraisal is attached to this complaint as **Exhibit "C"**.

6. The owners of record of the said Property affected by these proceedings are Charles and Lucinda Birnbaum.

7. Persons and corporations appearing to have an interest in the Property and persons and corporations who have or may claim to have an interest therein as are known to CRDA are:

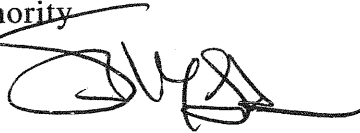
<u>Name and Address</u>	<u>Nature of Interest</u>
Louis Taylor Davis 311 Oriental Avenue Atlantic City, NJ 08401	Any and all rights of interest or possession established by tenancy at the Property.
Gerald Gittens 311 Oriental Avenue Atlantic City, NJ 08401	Any and all rights of interest or possession established by tenancy at the Property.
The Atlantic City Municipal Utilities Authority 401 North Virginia Avenue Atlantic City, NJ 08401	Any and all municipai charges due and payable.
The Atlantic City Sewerage Co. 1200 Atlantic Avenue Atlantic City, NJ 08401	Any and all municipal charges due and payable.
The City of Atlantic City City Hall 1301 Bacharach Boulevard, Suite 704 Atlantic City, NJ 08401	Any and all taxes or other municipal charges due and payable; and any and all unpaid municipal fire charges.

WHEREFORE, CRDA demands judgment on this First Count:

- a. Determining that CRDA is authorized to and has duly exercised its power of eminent domain.
- b. Appointing three residents of the County of Atlantic as condemnation commissioners to make a just and equitable appraisalment of the value of said Property and to fix the compensation to be paid for the taking thereof; and
- c. Directing that notice be given to the defendants pursuant to law.

RIKER, DANZIG, SCHERER, HYLAND
& PERRETTI LLP
Attorneys for Plaintiff
Casino Reinvestment Development
Authority

By:



Stuart M. Lederman

Dated: 2/2, 2014

R. 4:5-1 CERTIFICATION

It is hereby certified that, to the best of plaintiff's knowledge, the matter in controversy is not the subject of any other pending or anticipated litigation in any court or any arbitration proceeding, and that there are no other parties who should be joined in this action.



Stuart M. Lederman

Dated: 2/7, 2014

VERIFICATION

I, Mary V. Ripley, of full age, do hereby certify as follows:

1. I am Director, Real Estate + Development of the Casino Reinvestment Development Authority, the plaintiff in this action.

2. I have read the Complaint in this action and am familiar with its contents. The factual matters alleged in the First Count of the Complaint are true to my personal knowledge, except that the allegations contained in paragraphs 6 and 7 of the First Count are true to the best of my knowledge, information and belief, based upon information received from the Atlantic City Tax Collector's office and upon a title report obtained by CRDA from Scott Land Transfer, LLC.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Mary V. Ripley

Dated: January 15, 2014