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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1300-15T3

KSS CERTIFICATES, INC.,

Plaintiff-Respondent,

v.

JERILEAN G. ROBERTS,

Defendant-Appellant,

and

SPOUSE OF JERILEAN G. ROBERTS,
COVENTRY SQUARE and NEW CENTURY
FINANCIAL SERVICES,

Defendants.

Submitted March 29, 2017 - Decided April 11, 2017

Before Judges Accurso and Lisa.

On appeal from Superior Court of New Jersey,
Chancery Division, Burlington County, Docket
No. F-43004-14.

Jerilean G. Roberts, appellant pro se.

Taylor and Keyser, attorneys for respondent
(Robert W. Keyser, on the brief).

PER CURIAM

In this tax sale foreclosure proceeding, defendant Jerilean G. Roberts appeals from an October 15, 2015 final judgment barring her right of redemption and vesting title to the property at issue in plaintiff, KSS Certificates, Inc. We affirm.

We take the facts from the record on appeal. Defendant owned residential property on Pine Street in Mount Holly. When she failed to pay 2009 municipal sewer service charges and 2010 real property taxes, the township, in December 2010, auctioned off tax sale certificate No. 10-00113 for those unpaid charges and taxes pursuant to N.J.S.A. 54:5-19. Plaintiff's predecessor, J.I. Kislak, Inc., purchased the certificate for \$5467.85, with an interest rate of eighteen percent. See N.J.S.A. 54:5-32. Kislak subsequently paid the municipal property taxes and charges on defendant's Pine Street property through the first quarter of 2013, which were added to the sum required for defendant to redeem the tax sale certificate owned by Kislak. See N.J.S.A. 54:5-6.

In October 2014, Kislak instituted this action to foreclose defendant's right to redeem the certificate and declare itself owner of defendant's Pine Street property. Defendant answered, claiming her taxes were not delinquent for 2009 as alleged in the complaint. When defendant failed to appear at a scheduled

case management conference or otherwise communicate with the court, her answer was stricken and the matter returned to the Foreclosure Unit to proceed as uncontested.

In April 2015, on notice to defendant, Kislak filed its application setting the time, place and amount for redemption, supported by a certification attaching the lien redemption worksheet prepared by the township tax collector. Defendant did not oppose the motion, and the court entered an order establishing June 26, 2015 as the deadline by which defendant could redeem the certificate for the redemption amount of \$29,616.01.

Defendant did not redeem the certificate. In July, Kislak assigned the tax sale certificate to KSS Certificates, Inc., which was substituted as plaintiff. It thereafter moved for entry of final judgment, again on notice to defendant. Defendant did not oppose the motion. Accordingly, the court entered final judgment on October 15, 2015, barring defendant's right to redeem and vesting title to defendant's Pine Street property in plaintiff.

Defendant appeals, requesting that we recalculate the amount due on certificate No. 10-00113. She claims that she redeemed an earlier tax sale certificate encompassing the 2009 real property taxes on the Pine Street property, and those taxes

should not have been included in certificate No. 10-00113. She also argues that certain judgments against her and her late husband were resolved and "should not be a part of [c]ertificate [No.] 10-00113." Finally, she argues "the highest [eighteen] percent interest rates on the original and subsequent certificates may not have been fair," in light of well-publicized federal court litigation alleging collusion among bidders at New Jersey tax sale auctions.

Plaintiff urges us to reject these arguments as factually erroneous and untimely. It does not dispute that defendant paid the 2009 real estate taxes. It claims, however, that a review of the lien redemption worksheet prepared by the township tax collector makes unmistakably plain that those 2009 taxes were not included in certificate No. 10-00113. It further explains that it joined defendant's judgment creditors only for the purpose of foreclosing their liens so as to acquire clear title, and that no judgments were included in the redemption amount owed for certificate No. 10-00113. Finally, it asserts that defendant has no proof to even suggest its tax sale certificate was fraudulently obtained. It asserts that neither it nor its predecessor were named as defendants in the federal litigation and that its certificate was purchased well after the end of the class period established in that case.

Having reviewed the record, we are satisfied that none of defendant's arguments has any merit. As for defendant's first two points, the record makes plain that neither the 2009 real property taxes nor any judgments were included in the redemption amount owed on certificate No. 10-00113. The only principal charges from 2009 encompassed by the tax sale certificate purchased by Kislak was \$695.24 in unpaid sewer charges. The remaining \$4288.33 represents the principal amount of unpaid 2010 real property taxes. The judgment amounts included in the complaint have simply no connection whatsoever with the redemption calculation.

With regard to defendant's third point, we are aware of the federal litigation to which she refers. She offers nothing, however, to connect this matter to that one. She has presented no proof of any impropriety here. That other unrelated certificates were fraudulently obtained does not mean this one was. And the existence of that litigation, which defendant notes was filed in 2012, well before this action was instituted, provides no basis to reopen the judgment here.

Finally, defendant had the opportunity to raise all of these issues in the trial court. Although she filed an answer to the complaint, she did not thereafter participate in the litigation. Having failed to contest the redemption calculation

when provided the opportunity to do so, she is barred from doing so here. Nieder v. Royal Indem. Ins. Co., 62 N.J. 229, 234 (1973). As the arguments are procedurally barred and without merit in any event, we affirm the judgment.

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.



CLERK OF THE APPELLATE DIVISION