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APPROVAL OF THE APPELLATE DIVISION**

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-4753-15T1

WENTWORTH AT CRYSTAL SPRINGS
COUNCIL ASSOCIATION, INC.,

Plaintiff-Appellant,

v.

LAKALE T. GAGE and LATASHIA
GAGE,

Defendants-Respondents.

Submitted September 12, 2017 – Decided September 19, 2017

Before Judges Fisher and Fasciale.

On appeal from the Superior Court of New
Jersey, Law Division, Sussex County, Docket
No. DC-000095-16.

Ansell Grimm & Aaron PC, attorneys for
appellant (Breanne M. DeRaps and Richard B.
Linderman, on the brief).

Lakale T. Gage and Latashia Gage, respondents
pro se.

PER CURIAM

Plaintiff Wentworth At Crystal Springs Council Association,
Inc., commenced this Special Civil Part collection action against

defendants Gage, the owners of a condominium unit within the plaintiff-association. The association's two-page complaint alleged defendants owed \$3610 in unpaid assessments and \$3139.50 in counsel fees.

When the parties appeared for trial, defendants maintained the stance they took from the outset: the assessments were due but the counsel fees sought were unreasonable. By the time of trial, even though the reasonableness of the counsel fee was the only contested issue, the association had not provided defendants with a statement or invoice quantifying those fees. Rather than hear testimony, the trial judge directed the association to provide a certification of services, and he allowed defendants an opportunity to respond. For reasons expressed in a cogent written opinion, the judge awarded the association \$3610 in unpaid assessments and only \$1500 in counsel fees. The judge determined that plaintiff engaged in numerous unnecessary services and sought reimbursement for items that were "inflated" or "excessive." He observed that the fees requested had almost doubled since the action's commencement even though defendants had never disputed their obligation to pay the assessments. The judge also viewed the counsel fee sought as disproportionate to the assessments upon which the suit was based. The judge concluded that the association's counsel fee request was unreasonable and awarded

\$1500. The judge also denied the association's reconsideration motion for reasons expressed in another written opinion, which contained an additional analysis of the award sought.

In appealing, the association argues the judge relied on incorrect legal principles, failed to apply the business judgment rule, and arbitrarily reduced the counsel fee request. We find no merit in these arguments and affirm both the initial judgment and the order denying reconsideration for the reasons expressed by Judge David J. Weaver in his thorough and well-reasoned written opinions.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION