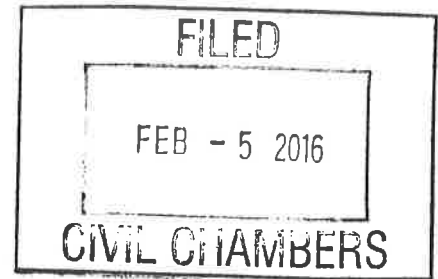


ORDER PREPARED BY THE COURT



IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
WARREN

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

Docket No.: SOM-L-904-15

CIVIL ACTION
(Mount Laurel)

**ORDER APPOINTING SPECIAL
MASTER AND PROVIDING FOR
PAYMENT OF THE SPECIAL MASTER
FEES**

THIS MATTER having come before the Court for a Case Management Conference on January 28, 2016, DiFrancesco, Bateman, Coley, Yospin (Steven Kunzman, Esq. appearing) on behalf of the Petitioner Township of Warren; K. Hovnanian North Jersey Acquisition (Richard J. Hoff, Esq. appearing) on behalf of Intervenor; Chase Partners Warren (Tracy A. Siebold, Esq. appearing) on behalf of Intervenor; Chase Partners Warren 2 (Tracy A. Siebold, Esq. appearing) on behalf of Intervenor; and the Court having previously considered the advisability of appointing a Special Master to assist the Court in resolving the issues presented in this matter and having appointed Frank Banisch as Special Master, to be well-qualified to serve in this capacity; and no objection to the appointment having been raised; the Court having considered the positions of the parties as set forth on the record and for other good cause appearing;

It is on this ^{5th} day of February, 2016, **ORDERED** as follows:

1. The Court reaffirms its appointment of Frank Banisch as Special Master. The Special Master's fees shall be set at the hourly rate of \$250.

2. As per the Court's prior opinion and Order in this matter, any intervenors shall share equally in the payment of the Special Master's fees. Each Intervenor shall place an initial sum of \$2,000 for each matter in which they have intervened in the escrow account. The Special Master shall submit bills on a monthly basis to the Municipality. The Special Master's bills shall be paid within thirty days of receipt. The Municipality shall be charged with billing and collecting any monies due from the Intervenor. If any Intervenor fails to pay his, her or its share, the Municipality may enforce this Order on Motion to the Court pursuant to R. 1:10-3. As part of any Motion, the Court shall have discretion to award counsel fees, if appropriate.

3. Should any party contest any of the Special Master's charges, it shall notify the Special Master, in writing, and attempt to resolve the dispute. If the disagreement cannot be resolved amicably, the matter may be brought before the Court for resolution.

4. The Municipality may use funds from its affordable housing trust fund for its proportion of the cost of the Special Master.

5. The Special Master shall be charged with the responsibility to review the Municipality's submissions and any objections or comments provided by any Intervenor and interested parties, if any, and provide the Municipality the opportunity to address any concerns that Special Master may have with any of its submissions. The Special Master shall conduct mediation sessions with the parties as he/she deems appropriate in his/her discretion.

6. The Special Master shall, in his/her discretion, engage in mediation among the parties. The Special Master may communicate directly with the Court as either he/she or the Court deems appropriate.

7. The Special Master shall, to the extent practicable and in his/her professional judgment, include all parties in substantive discussions regarding the plan elements and the Special Master's recommendations.

8. The Special Master shall submit his/her report to the Court at a date to be established by the Court.

9. A copy of this Order shall be served upon all counsel of record and otherwise made available to all interested parties as directed by the New Jersey Supreme Court in Mount Laurel IV within seven days of the date hereof.



HON. THOMAS C. MILLER, P.J.Cv.