

**R2024-54**

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN,  
STATE OF NEW JERSEY, AUTHORIZING THE ADDITION OF MONIES  
EXPENDED BY CULMAC CAPITAL LLC FOR MAINTENANCE AND REPAIR OF  
PROPERTY LOCATED AT BLOCK 2402 LOT 15.01 TO BE ADDED TO  
MUNICIPAL LIEN**

**WHEREAS** on September 11, 2023, the Town of Phillipsburg filed a Complaint and Notice of Hearing to Determine Fitness of Building based upon the allegation the property was unfit for human habitation or occupancy or use and/or is unhealthly and/or unsafe to the community against the property located at Block 2402 Lot 15.01 in the Town of Phillipsburg, Warren County, New Jersey also known as 368 Thomas Street, Phillipsburg, New Jersey; and

**WHEREAS** the property owners, Floyd R. Raabe and Dawne R. Raabe, were served with notice of the pending habitability hearing scheduled for October 3, 2023, and which hearing was postponed several times with the property owners receiving notice of each such adjournment to October 17, 2023, November 21, 2023, and December 19, 2023, and the property owners failing to appear at said hearing; and

**WHEREAS** Culmac Capital LLC is a lien holder on the property having purchased Tax Sale Certificate No. 2019-082 on or about June 12<sup>th</sup>, 2019, and instituted a Complaint for foreclosure on December 19, 2022, which matter is currently pending, and as a result of its position as lienholder, Culmac Capital LLC was noticed as to the habitability hearing on the aforesaid property; and

**WHEREAS** *N.J.S.A. 54:5-86 (c)* authorizes any person holding a tax sale certificate on a property that meets the definition of abandoned property set forth in *N.J.S.A. 55:19-78 et. al.* either at the time of the tax sale or thereafter, may enter upon that property at any time after written notice to the owner by certified mail return receipt requested in order to make repairs,

or abate, remove or correct any condition harmful to the public health, safety and welfare, or any condition that is materially reducing the value of the property; and

**WHEREAS**, *N.J.S.A. 54:5-86(d)* authorizes any sums incurred or advanced pursuant to subsection (c) of *N.J.S.A. 54:5-86* to be added to the unpaid balance due to the holder of the tax sale certificate at the statutory interest rate for subsequent liens; and

**WHEREAS**, the aforesaid lien holder has provided the property owners with notice pursuant to *N.J.S.A. 54:5-86 (c)* and pursuant to *N.J.S.A. 55:19-83*, upon the request of the aforesaid lien holder, the construction office of the Town of Phillipsburg, has issued a certification that the aforesaid property fulfills the definition for an abandoned property pursuant to *N.J.S.A. 55:19-81* and *N.J.S.A. 55:19-82*; and

**WHEREAS** on December 19, 2023, the Town Council of the Town of Phillipsburg, held the habitability hearing related to the property located at 368 Thomas Street, Phillipsburg, New Jersey, at which hearing the lien holder, Culmac Capital LLC, represented it would undertake all necessary maintenance and repairs of the property; and

**WHEREAS**, the Town Council of the Town of Phillipsburg is desirous of rehabilitating property within the Town of Phillipsburg which has been abandoned or fallen into disrepair resulting in the property being unfit for human habitation or occupancy or use and/or is unhealthly and/or unsafe to the community, the Town Council at the aforesaid hearing passed a motion authorizing the costs incurred by the lien holder, Culmac Capital LLC, for the repair of the property to be added to the lien amount owed to the lienholder; and

**WHEREAS**, the Town Council seeks to memorialize the passage of such motion;

**NOW THEREFORE IT BE RESOLVED** by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, as follows:

1. Any and all expenses incurred by the lien holder, Culmac Capital LLC, in order to make repairs, or abate, remove or correct any condition harmful to the public health, safety and welfare, or any condition that is materially reducing the value of the property, shall be added to the lien amount due and owing to the lien holder.

### CERTIFICATION

I, Matthew Hall, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their March 27, 2024 meeting.



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Matthew C. Hall, MPA  
Acting Municipal Clerk