

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

U.S. BANK NATIONAL ASSOCIATION, :
A NATIONAL BANKING :
ASSOCIATION ORGANIZED AND :
EXISTING UNDER THE LAWS OF :
THE UNITED STATES OF AMERICA, :
NOT IN ITS INDIVIDUAL CAPACITY :
BUT SOLELY IN ITS CAPACITY AS :
TRUSTEE FOR THE REGISTERED :
HOLDERS OF J.P. MORGAN CHASE :
COMMERCIAL MORTGAGE :
SECURITIES TRUST 2006-CIBC14, :
COMMERCIAL MORTGAGE :
PASS-THROUGH CERTIFICATES :
SERIES 2006-CIBC14 :

Plaintiff, :

v. :

No. 1:14-cv-03938-RMB-KMW

SEVENTY SQUARE ASSOCIATES :
LIMITED PARTNERSHIP, et al. :

Defendant. :

**DEFAULT JUDGMENT AGAINST BURRIS CONSTRUCTION OF NEW
JERSEY LLC A/K/A BURRIS CONSTRUCTION COMPANY, LLC**

It appearing that the Complaint was filed in this case on June 19, 2014; that Defendants Burris Construction of New Jersey LLC A/K/A Burris Construction Company, LLC has been defaulted for failure to appear pursuant to Rule 55(a) of the Federal Rules of Civil Procedure; upon application of Plaintiff and upon affidavit; it is hereby


ORDERED, ADJUDGED, and DECREED that judgment is entered in favor of Plaintiff, U.S. Bank National Association, a national banking association organized and existing under the laws of the United States of America, not in its individual capacity but solely in its capacity as trustee for the registered holders of J.P. Morgan Chase Commercial Mortgage Securities Trust 2006-CIBC14, Commercial Mortgage Pass-Through Certificates, Series 2006-CIBC14, and against Defendant, Burris Construction of New Jersey LLC A/K/A Burris Construction Company, LLC as follows:

A. Ordering that the Construction Lien in favor of Burris Construction of New Jersey LLC A/K/A Burris Construction Company, LLC recorded on October 15, 2013 in the Official Records in Book OR 13099, Page 8358 is subordinate to that certain Mortgage, Assignment of Leases and Rents and Security Agreement dated as of February 15, 2006 and recorded on February 28, 2006 as Document No. 4278838, in Mortgage Book 10811, Page 301 currently held by Plaintiff and the subject of this foreclosure action;

B. Foreclosing all right, title, lien and equity of redemption which Burris Construction of New Jersey LLC A/K/A Burris Construction Company, LLC has or had in the Mortgaged Premises located at 701 Route 70 West, Marlton, NJ 08053 as further described on Exhibit "A" hereto; and

C. Ordering that excess funds remaining from the sale of the Mortgaged Premises after the foreclosure sale – and after payment to Plaintiff in satisfaction of the judgment amount- be paid to defendants in order of priority.

BY THE COURT:


United States District Judge

Dated: November 13, 2014

EXHIBIT "A"

LEGAL DESCRIPTION

All that certain land and premises situated in the Township of Evesham, County of Burlington, State of New Jersey, bounded and described as follows:

Beginning at a point in the northerly right of way line of New Jersey State Highway Route 70 (116 feet wide), said point also being the southeast corner of Lot 2.07 and being distant 226.04 feet on a bearing of South 77 degrees 40 minutes 27 seconds East from the intersection of the northerly right of way line of Route 70 with the Easterly right of way line of Cropwell Road (24.75 feet at right angles from centerline); and from said beginning point running:

1. Northerly along the easterly line of 2.07, North 21 degrees 19 minutes 33 seconds East, 192.71 feet to the northeast corner of said lot; thence
2. Westerly along the northerly line of Lot 2.07, North 77 degrees 40 minutes 27 seconds West, 226.04 feet to a point in the easterly line of Cropwell Road; thence
3. Northerly along the easterly line of Cropwell Road, North 21 degrees 19 minutes 33 seconds East, 397.46 feet to the southwest corner of Lot 2.02; thence
4. Easterly along the southerly line of Lots 2.02 and 2.03 the following two courses: South 89 degrees 24 minutes 02 seconds East, 585.14 feet to an angle point; thence
5. Along the same, South 57 degrees 44 minutes 23 seconds East, 342.51 feet to the northwest corner of Lot 3.03; thence
6. Southerly along the westerly line of said lot, South 35 degrees 50 minutes 52 seconds West, 432.87 feet to the northeast corner of Lot 3.02; thence
7. Westerly along the northerly line of Lot 3.02, North 77 degrees 40 minutes 27 seconds West, 250.00 feet to the northwest corner of said lot; thence
8. Southerly along the westerly line of Lot 3.02, South 23 degrees 12 minutes 33 seconds West, 200.00 feet to a point in the northerly line of Route 70; thence
9. Westerly along said line, North 77 degrees 40 minutes 27 seconds West, 304.27 feet to the point and place of Beginning.

NOTE: For Informational Purposes Only: Being Lots 2.06 & 3, Block 5, Tax Map of Township of Evesham, County of Burlington.

Being the same premises which William G. Luria, by Indenture dated 05-15-89 and recorded 05-16-89 in the Burlington County Clerk's Office in Deed Book 3855 page 343, granted and conveyed unto Seventy Square Associates, L.P., a Limited Partnership.

ALSO Being the same premises which Square Associates, by Indenture dated 05-15-89 and recorded 05-22-89 in the Burlington County Clerk's Office in Deed Book 3858 page 71, granted and conveyed unto Seventy Square Associates, L.P., a Limited Partnership.



**CONTROL POINT
ASSOCIATES, INC.**

New Britain Corporate Center
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January 11, 2012
Revised February 21, 2012
CPL0021

**METES AND BOUNDS DESCRIPTION
PROPOSED LOT 2
PART OF LOT 2.06, BLOCK 5
LANDS NOW OR FORMERLY
SEVENTY SQUARE ASSOCIATES LIMITED PARTNERSHIP
TOWNSHIP OF EVESHAM
BURLINGTON COUNTY, NEW JERSEY**

BEGINNING AT A POINT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NEW JERSEY STATE HIGHWAY ROUTE 70 (F.K.A. NEW JERSEY STATE HIGHWAY ROUTE 40, VARIABLE WIDTH RIGHT-OF-WAY), AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOT 2.06, BLOCK 5 (PROPOSED LOT 2), LANDS NOW OR FORMERLY SEVENTY SQUARE ASSOCIATES LIMITED PARTNERSHIP AND LOT 3.02, BLOCK 5, LANDS NOW OR FORMERLY SODASKI, AND FROM SAID POINT OF BEGINNING RUNNING, THENCE;

1. ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NEW JERSEY STATE HIGHWAY ROUTE 70, NORTH 78 DEGREES - 42 MINUTES - 57 SECONDS WEST, A DISTANCE OF 197.38 FEET TO A POINT, THENCE;

THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE DIVIDING LINE BETWEEN PROPOSED LOT 1 AND PROPOSED LOT 2:

2. NORTH 20 DEGREES - 44 MINUTES - 30 SECONDS EAST, A DISTANCE OF 590.69 FEET TO A POINT, THENCE;
3. SOUTH 69 DEGREES - 14 MINUTES - 27 SECONDS EAST, A DISTANCE OF 218.75 FEET TO A POINT, THENCE;
4. ALONG THE COMMON DIVIDING LINE BETWEEN PROPOSED LOT 1; PROPOSED LOT 2; AND LOT 3.02, BLOCK 5, SOUTH 23 DEGREES - 12 MINUTES - 33 SECONDS WEST, A DISTANCE OF 558.70 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 118,566 SQUARE FEET OR 2.722 ACRES

THIS PROPERTY SUBJECT TO RESTRICTIONS, COVENANTS AND/OR EASEMENTS EITHER WRITTEN OR IMPLIED.

THIS DESCRIPTION WAS WRITTEN BASED UPON A MAP ENTITLED "SITH PLAN/SUBDIVISION PLAN, PRELIMINARY/FINAL SUBDIVISION/LAND DEVELOPMENT PLAN, ALDI, INC., STAPLES PLAZA, TAX MAP SHEET #1, BLOCK 5, LOTS 2.06, 2.07 AND 3, ROUTE 70 AND CROFFLE ROAD, EVESHAM TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY", PREPARED BY BOHLER ENGINEERING, INC., DATED 1/11/2011, REVISION NO. 4, DATED 1/13/2012, PROJECT NO. P090601, SHEET 3 OF 18.

CONTROL POINT ASSOCIATES, INC.

James C. Weed 2-21-12
DATE
JAMES C. WEED, P.L.S.
NEW JERSEY PROFESSIONAL
LAND SURVEYOR NO. 43278

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Professional Land Surveying and Consulting Services