

**DONALD J. SEARS, ESQ.**  
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Attorney for Movant, Township of South Brunswick

**In re Declaratory Judgment Actions  
Filed by Various Municipalities, County  
of Ocean, Pursuant to the Supreme  
Court's Decision in In Re Adoption of  
N.J.A.C. 5:96, 221 N.J. 1 (2015)**

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION

Docket No.: AM-000407-15T1

CIVIL ACTION

CERTIFICATION OF  
DONALD J. SEARS

I, Donald J. Sears, of full age, do hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey, employed as the Director of Law for the Township of South Brunswick (Township), the attorney for the Movant in the above-captioned matter, and have personal knowledge of the facts set forth in this certification.

2. This certification is made in support of the Township's Motion for Leave to Appear as Amicus Curiae, Nunc Pro Tunc, in the above captioned matter.

3. The Township received first round substantive certification from the Council of Affordable Housing (COAH) on August 3, 1987.

4. The Township received second round substantive certification from COAH on February 4, 1998, which was extended by COAH on January 7, 2004.

5. The Township petitioned for third round substantive certification on December 16, 2005 under COAH's original third round rules and subsequently filed an amended third round petition for substantive certification on December 31, 2008.

6. On July 1, 2015, the Township filed a Declaratory Judgment Action in Middlesex County in compliance with the Supreme Court's direction in In Re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015).

7. As Director of the Law Department, I also oversee the South Brunswick Affordable Housing Office, which is a division of the Law Department.

8. The Township currently manages, monitors and/or maintains almost 700 affordable housing units as part of its ongoing, well established in-house affordable housing program.

9. I hereby certify that the following copies of documents attached to the Brief and designated as pages in the Appendix are true copies of documents maintained in the files of the Township of South Brunswick:

Order dated July 31, 2015, from the Middlesex County trial court granting temporary immunity	SBa 1-2
Draft preliminary Third Round plan summary for South Brunswick dated February 18, 2016	SBa 3-5
Order dated March 9, 2016, from the Middlesex County trial court dissolving immunity	SBa 6-8
“Judge Rejects 1,000-Unit Cap on Affordable Housing Obligations,” by Michael Booth, <u>New Jersey Law Journal</u> , February 12, 2016	SBa 9-11
Letter dated December 13, 1999 from COAH to Cherry Hill Township	SBa 12-15

10. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

*/Donald J. Sears*

Dated: March 23, 2016

By: \_\_\_\_\_  
Donald J. Sears