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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION GENERAL EQUITY PART  
UNION COUNTY  
CIVIL ACTION

Docket No.: UNN-C-101-04

VERNON GREGORY, Plaintiff,  
v.  
FRANKLIN L. PRATHER, SR.,

et al., Defendants.

FOURTH AMENDED VERIFIED COMPLAINT FOR  
PARTITION AND OTHER RELIEF

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Vernon Gregory, of 102 Kelly Drive, Edison, New Jersey 08820, the Plaintiff, by way of complaint, says:

**COUNT ONE**

(Partition by Sale and Will of Carrie Bessie Hayes)

1. This is an action for partition by sale of a two-family house, which is not susceptible to partition in kind.
2. The Plaintiff is a grandson of Carrie Bessie Hayes, who at the time of her passing held a one-half tenancy in common interest in a two-family house commonly known as 166 Augustine Place, Vauxhall, New Jersey 07088 (hereinafter the "Premises").
3. The first named Defendant is Franklin L. Prather, Sr., aka Franklin L. Prather, of 166 Augustine Place, Vauxhall, New Jersey 07088, who is also a grandson of the late Carrie B. Hayes. He is in possession of at least one living unit in the Premises.

4. Franklin L. Prather, Jr., of 166 Augustine Place, Vauxhall, New Jersey 07088 is a Defendant, and was previously in possession of one living unit in the Premises. He has no right to any title to or portion of the Premises.

5. Other than Franklin Prather, Sr. and Franklin Prather, Jr., the parties known to the Defendants to have an interest in the Premises, directly or indirectly, are listed on the Fourth Service List, a copy of which is attached hereto as Exhibit A.

6. The late Carrie Bessie Hayes, received title to one-half of the Premises by way of a deed dated August 26, 1966, a copy of which is attached hereto as Exhibit B.

7. Carrie Bessie Hayes died on April 7, 1970, and left a Last Will and Testament dated August 26, 1966 (a copy of which is attached as Exhibit C), which was duly admitted to probate by the Union County Surrogate.

8. The Will signed by Carrie Bessie Hayes, a copy of which is attached hereto as Exhibit C, did not specify whether the nine residuary beneficiaries, each being a child of hers, received as joint tenants or as equal tenants in common.

9. The said nine children of Carrie Bessie Hayes all survived Carrie Bessie Hayes, and each of the nine is now deceased.

WHEREFORE, the Plaintiff seeks:

A. Judgment declaring that the said nine children of Carrie Bessie Hayes, took half of the Premises from Carrie Bessie Hayes under her will as equal tenants in common.

B. Judgment requiring a partition sale, with the appointment of a partition commissioner, who shall have the power to sell the Premises.

C. An Order directing the Commissioner to obtain a confidential appraisal for the Premises, which shall not be included as a pleading in this matter or filed with the Court except upon specific Court Order.

D. An Order directing the Commissioner to retain a real estate broker to assist in the sale of the Premises.

E. An Order allowing that the Commissioner be allowed to obtain a survey as the Commissioner may deem proper.

F. An accounting by Franklin L. Prather, Sr., aka Paul Franklin Prather, Sr., Franklin L. Prather, Jr., and any other defendants who have been in possession of the Premises.

G. Attorneys fees and costs.

H. Such other relief as the Court may deem equitable, just and proper.

## COUNT TWO

(Gift by Carrie F. White and Lewis DeWitt White)

1. The Plaintiff realleges all the allegations of the foregoing count as if they were set forth below.
2. At the time of the passing of Carrie Bessie Hayes, the half of the Premises which Carrie Bessie Hayes did not own was owned by Carrie F. White and her husband, Lewis DeWitt White.
3. After the death of Carrie Bessie Hayes, Carrie F. White and her husband signed a deed in which they conveyed their interest in the Premises to the same nine children of Carrie Bessie Hayes (including a share for Carrie F. White) in equal shares. A copy of this deed is attached as Exhibit D.
4. Given the fact that the said deed dated August 26, 1966, did not indicate whether the 9 grantees took as tenants in common, or joint tenants, the effect under New Jersey law is that the 9 thereafter owned the premises as equal tenants in common.
5. The deed described in Paragraph 9 above did not specify if the nine grantees received as tenants in common or joint tenants, and so it must be concluded that the grantees received as tenants in common.
6. Carrie F. White died in 1984, and she never had any descendants.

WHEREFORE, the Plaintiff seeks:

- A. Judgment declaring that the said nine children of Carrie Bessie Hayes, took half of the Premises from Carrie F. White and Lewis DeWitt White as equal tenants in common.
- B. Judgment requiring a partition sale, with the appointment of a partition commissioner, who shall have the power to sell the Premises.
- C. An Order directing the Commissioner to obtain a confidential appraisal for the Premises, which shall not be included as a pleading in this matter or filed with the Court except upon specific Court Order.
- D. An Order directing the Commissioner to retain a real estate broker to assist in the sale of the Premises.
- E. An Order allowing that the Commissioner be allowed to obtain a survey as the Commissioner may deem proper.
- F. Attorneys fees and costs.

G. Such other relief as the Court may deem equitable, just and proper.

**COUNT THREE**

(Agreement of Carrie F. White and Lewis DeWitt White)

1. The Plaintiff realleges all the allegations of the foregoing counts as if they were set forth below.
2. On or about November 24, 1973, Carrie F. White and Lewis DeWitt White, along with certain other family members who held an interest in the Premises executed an agreement, a copy of which is attached hereto as Exhibit F.
3. On information and belief, on or about the day the aforesaid agreement was executed, Carrie F. White and Lewis DeWitt White resided in the Premises.
4. The said agreement specified that after the death of Carrie F. White and Lewis DeWitt White, any interest of theirs in the Premises would pass to the other eight children.
5. Carrie F. White and Lewis DeWitt White are both deceased.
6. Julia A. Dallas, listed on the Fourth Service List, is the Administrator of Lewis DeWitt White.
7. On information and belief, Carrie F. White left no will, and her only heir at law was her husband, Lewis DeWitt White, who survived her.

WHEREFORE, the Plaintiff seeks:

- A. Judgment declaring that a certain agreement dated November 24, 1973, and signed by Carrie P. White and Lewis DeWitt White, caused any ownership interest otherwise held by Carrie P. White and Lewis DeWitt White in the Premises to pass upon the deaths of both of them to the other eight children of Carrie Bessie Hayes mentioned in the deed signed by Carrie F. White and Lewis DeWitt White, as equal tenants in common, and not as joint tenants with right of survivorship, and that by such agreement, no interest in the Premises passed into the estates of Carrie P. White or Lewis DeWitt White or to their executors or administrators.
- B. Attorneys fees and costs.
- C. Such other relief as the Court may deem equitable, just and proper.

## **COUNT FOUR**

(Deed Between Harold Hayes and Bessie Ophelia Prather)

1. The Plaintiff realleges all the allegations of the foregoing counts as if they were set forth below.
2. As of December 13, 1990, seven of the said nine children of Carrie Bessie Hayes were deceased, but 2 were still surviving, being Harold Hayes and Bessie Ophelia Prather.
3. By way of a deed dated December 13, 1990 (a copy of which is attached hereto as Exhibit E), Harold Hayes and Bessie Ophelia Prather recited an allegation that the two of them were the sole owners of the Premises as joint tenants, by that deed, and purported to convey the entire premises to themselves as joint tenants.
4. At the time of the December 13, 1990, deed, Carrie F. White and Lewis DeWitt White were both deceased, and each of Harold Hayes and Bessie Ophelia Prather held further interests in the Premises which were formerly held by Carrie F. White due to the November 24, 1973 agreement.
5. In 1999, Harold Hayes passed away. In 2000, Bessie Ophelia Prather passed away.

WHEREFORE the Plaintiff seeks:

- A. Declaratory judgment that the said deed dated December 13, 1990, between Harold Hayes and Bessie Ophelia Prather caused them to hold their respective interests in the Premises as joint tenants with a right of survivorship.
- B. Declaratory judgment that upon the passing of Harold Hayes, his entire interest in the Premises (including any interest derived from Carrie F. White by way of the November 24, 1973 agreement passed to Bessie Ophelia Prather.
- C. Declaratory judgment that the Estate of Harold Hayes has no interest in the Premises.
- D. Attorneys fees and costs.
- E. Such other relief as the Court may deem equitable, just and proper.

## **COUNT FIVE**

(Accounting, Rent and Expenses from Franklin Prather, Sr.)

1. The Plaintiff realleges all the allegations of the foregoing counts as if they were set forth below.

2. Since the death of Bessie Ophelia Prather in 2000, her son, the first named Defendant, Franklin L. Prather, Sr. has been in possession of part or all of the Premises.

3. On information and belief, Franklin L. Prather, Jr. should be required to pay rent for the use of the Premises.

WHEREFORE the Plaintiff seeks:

A. An accounting from Franklin L. Prather, Sr.

B. Rent or damages from Franklin L. Prather, Sr.

C. Possession of the Premises.

D. Attorneys fees and costs.

E. Such other relief as the Court may deem equitable, just and proper.

#### **COUNT SIX**

(Rent and Possession from Franklin L. Prather, Jr.)

1. The Plaintiff realleges all the allegations of the foregoing Counts as if they were set forth below.

2. On information and belief, Franklin L. Prather, Jr., is presently residing or has previously resided in one unit of the Premises without any legal right to do so.

3. On information and belief, Franklin L. Prather, Jr. should be required to pay rent for the use of the Premises.

WHEREFORE, the Plaintiff seeks:

A. An accounting from Franklin L. Prather, Jr.

B. Damages from Franklin L. Prather, Jr., and any other person in possession of the Premises.

C. Rent for the use of the Premises, from Franklin L. Prather, Jr., and any other person in possession of the Premises living there.

D. An Order requiring Franklin L. Prather, Jr., and any other person in possession of the Premises living there, to yield up possession.

E. An Order requiring Franklin L. Prather, Jr., and any other person living there to vacate the Premises.

F. Attorneys fees and costs.

G. Such other relief as the Court may deem equitable, just and proper.

### **COUNT SEVEN**

(Appointment of Administrator. C.T.A. of Carrie Bessie Hayes)

1. The Plaintiff realleges all the allegations of the foregoing counts as if they were set forth below.

2. On May 13, 1970 letters testamentary for the Estate of Carrie Bessie Hayes were granted to Thelma Prather, but she has since passed away.

3. As the interest of Carrie Bessie Hayes in the Premises was not the subject of a specific devise, but rather passed by way of a residuary clause, a deed from a personal representative of her estate is necessary to convey title.

4. The will of Carrie Bessie Hayes named Harold Hayes as successor executor, but he is now deceased.

WHEREFORE the Plaintiff seeks:

A. The appointment of a administrator, c.t.a. for the Estate of Carrie Bessie Hayes, to be the same person as the Partition Commissioner.

B. Attorneys fees and costs.

C. Such other relief as the Court may deem equitable, just and proper.

### **COUNT EIGHT**

(Distribution of Proceeds to Personal Representatives)

1. The Plaintiff realleges all the allegations of the foregoing counts as if they were set forth below.

2. The interests of each of the children of Carrie Bessie Hayes must pass into the hands of their respective personal representatives in order to protect the rights of creditors, and to be properly administered.

WHEREFORE the Plaintiff seeks:

A. Declaratory judgment that upon the completion of the sale by the Partition Commissioner, the proceeds shall be distributed by the Partition Commissioner to the respective personal representatives of certain children of Carrie Bessie Hayes.

B. Declaratory judgment that upon the completion of the sale by the Partition Commissioner, the net proceeds shall be distributed by the Partition Commissioner as follows:

1. One-eighth to the personal representative of William Henry Hayes, Deceased.
2. One-eighth to the personal representative of Raleigh Lee Hayes, Deceased.
3. One-eighth to the personal representative of Edward Wilson Hayes, Deceased.
4. Two-eighths to the personal representative of Bessie Ophelia Prather, Deceased.
5. One-eighth to the personal representative of Doris Odell Hayes Young, Deceased.
6. One-eighth to the personal representative of Thelma Elizabeth Prather, Deceased.
7. One-eighth to the personal representative of Gladys Eleanore Hayes Gregory, Deceased.

C. Attorneys fees and costs.

D. Such other relief as the Court may deem equitable, just and proper.

\_\_\_\_\_ John L. Pritchard, Esq.

Attorney for the Plaintiff

Dated: March 29, 2005

CERTIFICATION OF ATTORNEY PURSUANT TO R. 4:5-1

I certify pursuant to Rule 4:5-1 that the matter in controversy is not the subject of any other action pending in any Court, or of a pending arbitration proceeding, and that no additional parties are known at this time who should be joined in this action.

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John L. Pritchard, Esq.

Attorney for the Plaintiff

Dated: March 29, 2005.

VERIFICATION OF COMPLAINT BY PLAINTIFF

I, Vernon Gregory, do certify as follows:

1. The allegations of the foregoing Complaint are true to my personal knowledge.

I 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.

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Vernon Gregory, Plaintiff

Dated: March \_\_\_\_\_, 2005

Vernon Gregory, of 102 Kelly Drive, Edison, New Jersey 08820, the Plaintiff, by way of complaint, says:

**COUNT ONE**

(Partition by Sale)

1. This is an action for partition by sale of a two-family house, which is not susceptible to partition in kind.
2. [AMENDED] The Plaintiff is the grandson of Carrie B. Hayes, who was the last full title owner of the two-family house commonly known as 166 Augustine Place, Vauxhall, New Jersey 07088 (hereinafter the "Premises").
3. [AMENDED PARTY NAME] The first named Defendant is Franklin L. Prather, Sr., aka Franklin L. Prather, aka Paul Franklin Prather, of 166 Augustine Place, Vauxhall, New Jersey 07088, who is also a grandson of the late Carrie B. Hayes. He is in possession of at least one living unit in the Premises.
- 3A. [ADDED] A Defendant added by the Second Amended Complaint is Franklin L. Prather, Jr., of 166 Augustine Place, Vauxhall, New Jersey 07088. He is in possession of one living unit in the Premises. He has no right to any title to or portion of the Premises.
4. The late Carrie Bessie Hayes, received title to the Premises by way of a deed dated August 26, 1966, a copy of which is attached hereto as Exhibit A.
5. Carrie Bessie Hayes died on April 7, 1970, and left a Last Will and Testament dated August 26, 1966 (a copy of which is attached as Exhibit B) which was duly admitted to probate by the Union County Surrogate.
6. [DELETED]
7. The Will signed by Carrie Bessie Hayes, a copy of which is attached hereto as Exhibit B, did not specify whether the 9 recipients received as joint tenants or as equal tenants in common.
8. Given the fact that the said deed dated August 26, 1966, did not indicate whether the 9 grantees took as tenants in common, or joint tenants, the effect under New Jersey law is that the 9 thereafter owned the premises as equal tenants in common.
9. After the death of Carrie Bessie Hayes, Carrie Hayes White and her husband signed a deed in which they conveyed their interest in the Premises to the other children of Carrie Bessie Hayes in equal shares, subject to their right of a retained life estate. A copy of this deed is attached as Exhibit D.

10. Carrie Hayes White died in 1984, and she never had any descendants.
11. The 9 children of Carrie Bessie Hayes all survived Carrie Bessie Hayes, and each of the 9 is now deceased.
12. As of December 13, 1990, 7 of the 9 children of Carrie Bessie Hayes were deceased, but 2 were still surviving, being Harold Hayes and Bessie Ophelia Prather.
13. By way of a deed dated December 13, 1990 (a copy of which is attached hereto as Exhibit E), Harold Hayes and Bessie Ophelia Prather recited an allegation that the two of them were the sole owners of the Premises as joint tenants, by that deed, and purported to convey the entire premises to themselves as joint tenants.
14. The said deed dated December 13, 1990, recited an allegation that Carrie Bessie Hayes had left the Premises to her 9 children as joint tenants with a right of survivorship.
15. The allegation contained on the deed dated December 13, 1990, that the children of Carrie Bessie Hayes held the Premises as joint tenants was the basis of the claim made in such deed that the sole owners at that time were Harold Hayes and Bessie Ophelia Prather as joint tenants.
16. In 1999, Harold Hayes passed away. In 2000, Bessie Ophelia Prather passed away.
17. Since the death of Bessie Ophelia Prather in 2000, her son, the first named Defendant, Paul Franklin Prather, has been in possession of the Premises.
18. [AMENDED PARTY NAME] As of the date of the signing of this Verified Complaint, Franklin L. Prather, Sr. is in possession of part of the Premises, and Franklin L. Prather, Jr., is in possession of another part of the Premises.
19. Since all of the 9 original equal tenants in common are deceased, the persons with an interest in the Premises are the beneficiaries of the estates of the various 9 children of Carrie Bessie Hayes, other than Carrie Hayes White. These persons, other than the Plaintiff, are all Defendants, and they are:
  - (A) The beneficiaries of Bessie Ophelia Prather. On information and belief, she left no Last Will and Testament, had no surviving spouse, and her heirs by intestacy, all of whom are surviving, except as otherwise indicated, are:
    - (1) [AMENDED PARTY NAME] Franklin L. Prather, Sr., of 166 Augustine Place, Vauxhall, New Jersey 07088.

(2) Paul L. Prather, aka Benjamin Prather, of 12 Arcadia Place, Vauxhall, New Jersey 07088.

(3) Marion C. Prather Brown, who is deceased. It is unknown if she left a will, or who would inherit her estate.

(4) Katherine O. Prather Lindsay, who is deceased. It is unknown if she left a will, or who would inherit her estate.

(5) Joan G. Prather Singley, who is deceased. It is unknown if she left a will, or who would inherit her estate.

(6) Gladys E. Prather Smyre, who is deceased. It is unknown if she left a will, or who would inherit her estate.

(7) Jean E. Prather, who is deceased. It is unknown if she left a will, or who would inherit her estate.

(8) Lawrence Prather, aka Frocius Prather, who is deceased. It is unknown if he left a will, or who would inherit his estate.

(B) The beneficiaries of Gladys Elanore Hayes Gregory. On information and belief, she left no Last Will and Testament, had no surviving spouse, and her heirs by intestacy, all of whom are surviving, are:

(1) Vernon Gregory, the Plaintiff herein;

(2) Luther Calvin Gregory, of 624 Nye Avenue, Apt. 9D, Irvington, New Jersey 07111; and

(3) Sharon Lavern Gregory, of 22 Mapes Terrace, Newark, New Jersey.

(C) The beneficiaries of Edward Wilson Hayes. On information and belief, he left no Last Will and Testament, and his heirs by intestacy, all of whom are surviving, are:

(1) Cynthia Hayes Wilkerson, a daughter, of 511 Rolling Peaks Way, Scotch Plains, New Jersey 07076;

(2) Elizabeth L. Hayes Burke, a daughter, of 1911 Drexel Drive, Greensboro, North Carolina 27405;

(3) Edward Hayes, Jr., a son, of 6307 Stockbridge Court, Greensboro, North Carolina 27410; and

(4) Raleigh Hayes, a son, of \_\_\_\_\_

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(5) The late Edward Wilson Hayes left a friend, Evelyn Hayes, sometimes referred to as his wife. On information and belief, she was never married to the late Edward Wilson Hayes.

(D) The beneficiaries of Doris Odell Hayes Young. On information and belief, she left no Last Will and Testament, had no surviving spouse, and her heirs by intestacy, all of whom are surviving (except where noted), are:

(1) Barbara Young White, of 320 Pine Street, Roselle, New Jersey 07203; and

(2) Miriam Young Johnson, of 1311 Hillock Crossing, Virginia Beach, Virginia 23455.

(3) James Young, who on information and belief died in 2001, with no Last Will and Testament, and his heirs by intestacy; all of who are surviving, are:

(a) His surviving spouse, Julia Clark Young, of 813 West 7th Street, Plainfield, New Jersey 07062.

(b) Tracy Young, of 1738 Kenneth Avenue North, Union, New Jersey 07083;

(c) James Young, Jr., of 250 Indiana Street, Union, New Jersey 07083.

(d) Shonda Young, of 250 Indiana Street, Union, New Jersey 07083.

(4) Melvin Young, who on information and belief died in 1997, leaving no Last Will and Testament and no heirs at law by intestacy other than the persons named above.

(E) The beneficiaries of Harold Marshall Hayes. On information and belief, he left no Last Will and Testament, had no surviving spouse, and his on heirs by intestacy, all of whom are surviving, are:

(1) Harold Hayes, of 1438 Graham Avenue, Indianapolis, Indiana 46219; and

(2) Marjorie Hayes Williams, of 104 West 18th Street, Linden, New Jersey 07036-3407.

(F) The beneficiaries of Raleigh Hayes. On information and belief, he left no Last Will and Testament, had no surviving spouse, and his only heir by intestacy is:

(1) Joan Hayes Easterling, who is surviving, of \_\_\_\_

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(G) The beneficiaries of Thelma Hayes Prather. On information and belief, she left no Last Will and Testament, had no surviving spouse, and never had descendants. On information and belief, the only parties in interest with respect to his share are those persons named above.

(H) The beneficiaries of William Henry Hayes. On information and belief, he left no Last Will and Testament, had no surviving spouse, and never had descendants. On information and belief, the only parties in interest with respect to his share are those persons named above.

(I) The beneficiaries of Carrie Francis Hayes White. On information and belief, she left no Last Will and Testament, had no surviving spouse, and never had descendants. On information and belief, the only parties in interest with respect to her share are those persons named above.

20. A copy of a family tree prepared by the Plaintiff is attached as Exhibit F.

WHEREFORE, the Plaintiff seeks:

A. Judgment declaring that the seven children of Carrie Bessie Hayes, took the Premises as equal tenants in common.

B. Judgment requiring a partition sale, with the appointment of a partition commissioner, who shall have the power to sell the Premises.

C. An Order directing the Commissioner to obtain a confidential appraisal for the Premises, which shall not be included as a pleading in this matter or filed with the Court except upon specific Court Order.

D. An Order directing the Commissioner to retain a real estate broker to assist in the sale of the Premises.

E. An Order allowing that the Commissioner be allowed to obtain a survey as the Commissioner may deem proper.

F. [AMENDED] An accounting by Franklin L. Prather, Sr., aka Paul Franklin Prather, Sr., Franklin L. Prather, Jr., and any other defendants who have been in possession of the Premises.

G. Attorneys fees and costs.

H. Such other relief as the Court may deem equitable, just and proper.

## **SECOND COUNT**

[ADDED]

(Rent and Possession from Franklin L. Prather, Jr.)

1. The Plaintiff realleges all the allegations of the foregoing Count as if they were set forth below.
2. On information and belief, Franklin L. Prather, Jr., has resided in one unit of the Premises without any legal right to do so.
3. On information and belief, Franklin L. Prather, Jr. should be required to pay rent for the use of the Premises both in the past and in the future.

WHEREFORE, the Plaintiff seeks:

- A. Damages from Franklin L. Prather, Jr., and any other person in possession of the Premises.
- B. Rent for the use of the Premises, from Franklin L. Prather, Jr., and any other person in possession of the Premises living there.
- C. An Order requiring Franklin L. Prather, Jr., and any other person in possession of the Premises living there, to yield up possession.
- D. An Order requiring Franklin L. Prather, Jr., and any other person living there to vacate the Premises.
- E. Attorneys fees and costs.
- F. Such other relief as the Court may deem equitable, just and proper.

## **THIRD COUNT**

[ADDED]

(Rent and Possession from Franklin L. Prather, Sr.)

1. The Plaintiff realleges all the allegations of the foregoing Count as if they were set forth below.
2. On information and belief, Franklin L. Prather, Sr., has resided in one unit of the Premises without any legal right to do so.

3. On information and belief, Franklin L. Prather, Sr. should be required to pay rent for the use of the Premises both in the past and in the future.

WHEREFORE, the Plaintiff seeks:

A. Damages from Franklin L. Prather, Sr., and any other person in possession of the Premises.

B. Rent for the use of the Premises, from Franklin L. Prather, Sr., and any other person in possession of the Premises living there.

C. An Order requiring Franklin L. Prather, Sr., and any other person in possession of the Premises living there, to yield up possession.

D. An Order requiring Franklin L. Prather, Sr., and any other person living there to vacate the Premises.

E. Attorneys fees and costs.

F. Such other relief as the Court may deem equitable, just and proper.

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John L. Pritchard, Esq.  
Attorney for the Plaintiff  
Dated: March 29, 2004

CERTIFICATION OF ATTORNEY PURSUANT TO R. 4:5-1

I certify pursuant to Rule 4:5-1 that the matter in controversy is not the subject of any other action pending in any Court, or of a pending arbitration proceeding, and that no additional parties are known at this time who should be joined in this action.

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John L. Pritchard, Esq.  
Attorney for the Plaintiff  
Dated: March 29, 2004.

VERIFICATION OF COMPLAINT BY PLAINTIFF

I, Vernon Gregory, do certify as follows:

1. The allegations of the foregoing Complaint are true to my personal knowledge.

I 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.

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Vernon Gregory, Plaintiff  
Dated: March 22, 2005

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