

JOHN LAWYER, ESQ.
12 MAIN STREET
Anywhere, USA
Attorney for Plaintiff

JANE DOE, :
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 Plaintiff, :
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 vs. :
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 JOHN DOE, :
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 :
 Defendant. :
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SUPERIOR COURT OF NEW JERSEY
[INSERT] COUNTY
CHANCERY DIVISION

DOCKET NO.:

CIVIL ACTION

COMPLAINT

Plaintiff, Jane Doe, residing at [insert address], by way of complaint against the defendant, alleges:

1. Plaintiff is an [insert] year old widow who resides with her youngest son, James Doe. She is in general good physical and mental health.
2. The defendant, John Doe, resides at [insert address]. He is plaintiff=s eldest of [insert] sons.
3. Plaintiff purchased her residence on [insert date].
4. During the [insert date], defendant expressed concern to plaintiff regarding what would happen to her home, if her health deteriorated, necessitating placing her in a nursing home.
5. Defendant convinced plaintiff that it would be in her best interest if she put title to her [insert place] residence in his name.
6. Relying on defendant=s representation that he was concerned for her welfare, and trusting her eldest son, plaintiff signed a deed, dated [insert date] placing title to her residence in defendant=s name.

7. Plaintiff did not receive any consideration for placing her home in defendant=s name.

8. Plaintiff did not understand that she was transferring full legal and equitable title to her residence to defendant. She believed the home remained hers; and that title was placed in defendant=s name for her protection.

9. It was plaintiff=s understanding defendant would hold title for her benefit for the purpose of Ashielding@ her home from possible future costs in the event she became seriously ill or had to be placed in a nursing home.

10. Plaintiff has continued to reside at the property since [insert date]; and she has continued to pay all costs in connection with maintaining the property.

11. Presently, plaintiff has become displeased with her home, and has discussed possibly moving to another home in the area.

12. Defendant told his mother, under no circumstances, would he permit her to sell her present residence, because the home is now his and no longer belongs to her.

13. Further, defendant became involved in an argument with his brother, James, and threatened to have him evicted from the home telling his brother; AYou=re my tenant. I can have you thrown out of my home at any time.@

14. Plaintiff was upset, with the manner, defendant addressed his brother. She told defendant his brother could reside in her home for as long as he wished.

15. Defendant then told plaintiff the home was no longer hers; and both his mother and brother were merely his tenants living in the home at his pleasure.

16. In order to induce plaintiff to sign the deed on [insert date], defendant misrepresented to plaintiff that it was in her best interests to do so; and that it was a Aploy@ to

save the house should plaintiff need to be placed in a nursing home.

17. But for the trust plaintiff placed in her eldest son and his misrepresentations, plaintiff would not have signed the deed, dated [insert date].

18. Further, both parties understood, by signing the deed, plaintiff was not making a gift of her home to defendant, because such a transaction would render her homeless and result in disinheriting her other sons, which she would not do.

WHEREFORE, Plaintiff demands judgment against Defendant:

1. Rescinding any and all agreements between the plaintiff and defendant concerning her Freehold residence;

2. Specific performance, conveying title to plaintiff=s residence, at 70 Hazel Drive, Freehold, New Jersey, from defendant to plaintiff;

3. For compensatory damages;

4. For punitive damages; and

5. For interest, costs of suit and attorney=s fees.

Dated:

JOHN LAWYER

DESIGNATION OF TRIAL COUNSEL

Pursuant to rule 4:25-4, John Lawyer, is hereby designated as trial counsel for Plaintiff, Jane Doe, in the above matter.

Dated:

JOHN LAWYER

CERTIFICATION OF NO OTHER ACTION

Pursuant to rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge or belief. Also, to the best of my belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated:

JOHN LAWYER