



## Fraud Suit Over Sham Land Scheme Yields \$886,400 in Damages, Costs

**S***zaplaj v. ReMax*: A Union County judge on Nov. 29 approved an \$886,400 award to a man found to have been defrauded in a real estate investment scam.

According to the suit, plaintiff David Szaplaj, 45, of Elizabeth, signed an agreement with a realtor on Feb. 24, 2003, to buy commercial property in the city, and remodel and sell it. Szaplaj put a down payment of \$170,000 on the property to be purchased, however, Enrique Salermo of ReMax Llewellyn Realtors in West Orange considered that down payment a loan as part of his fraudulent plan. At the closing in April 2003, Salermo placed the property in his own name, instead of Szaplaj's, and did not sell or refinance the property as promised, says Szaplaj's attorneys, **Michael Percario** and **David Nitti** of Percario's firm in Linden.

Salermo lived on the property

without a certificate of occupancy and rented out offices to businesses for four years, Percario says.

On Sept. 24, a Union County

jury found ReMax and Salermo liable for consumer fraud, professional negligence and breach of contract, and awarded \$693,000 in treble damages under the Consumer Fraud Act. The figure was three times the \$170,000 investment and three times \$61,000 in rent and interest.

Superior Court Judge **Marianne Espinosa** signed a final order Nov. 29, adding \$111,125 in counsel fees, \$6,114 in costs and \$76,161 in interest.

ReMax and Salermo were represented by **Keith Harris** of **Braff Harris & Sukoneck** in Livingston, who did not return a call.

— *By Maria Vogel-Short*



David A. Nitti and Michael A. Percario