

# ReedSmith

Diane A. Bettino  
Direct Phone: +1 609 514 6952  
Email: dbettino@reedsmith.com

Reed Smith LLP  
Princeton Forrestal Village  
136 Main Street - Suite 250  
Princeton, NJ 08540-7839  
+1 609 987 0050  
Fax +1 609 951 0824  
reedsmith.com

July 23, 2013

Via JEFIS

Clerk of the Superior Court  
Superior Court of New Jersey  
25 West Market Street  
6<sup>th</sup> Floor North Wing  
Trenton, New Jersey 08625

**Re: *In re Application by PHH Mortgage Corporation to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Uncontested Cases***  
***Docket Number F- 23912-13***

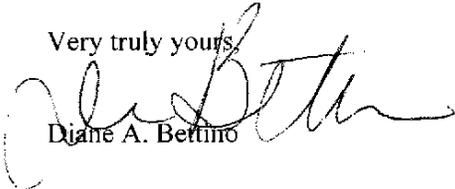
Dear Sir/Madam:

This firm represents PHH Mortgage Corporation in the above-referenced matter. Enclosed for filing, please find the original and two copies of the following documents:

1. Order to Show Cause;
2. Amended Verified Complaint;
3. Letter Brief in Support of Application;
4. Proposed Publication Notice; and
5. Certification of Service.

Please charge our Superior Court Account 141013 for any filing charges. Pursuant to the Order of the Supreme Court, this Order to Show Cause to correct previously served Notices of Intent to Foreclose will be assigned Judge McVeigh.

Very truly yours,

  
Diane A. Bettino

DAB/cmp  
Enclosures

**REED SMITH LLP**

*Formed in the State of Delaware*

Diane A. Bettino, Esquire  
Princeton Forrestal Village  
136 Main Street, Suite 250  
Princeton, New Jersey 08540  
Tel. (609) 987-0050

Attorneys for PHH Mortgage Corporation

<p style="text-align: center;"><b>IN RE APPLICATION BY PHH MORTGAGE CORPORATION TO ISSUE CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES</b></p>	<p>) <b>SUPERIOR COURT OF NEW JERSEY</b> ) <b>CHANCERY DIVISION</b> ) <b>PASSAIC COUNTY</b> ) <b>DOCKET NO.: F-23912-13</b> ) <b><u>CIVIL ACTION</u></b> ) <b>AMENDED VERIFIED COMPLAINT</b> ) <b>IN SUPPORT OF SUMMARY ACTION</b> )</p>
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PHH Mortgage Corporation ("PHH"), authorized to act on behalf of the Foreclosure Plaintiffs in pending, pre-judgment uncontested foreclosure actions, brings this action pursuant to the April 4, 2012, Order of the New Jersey Supreme Court (the "April 4<sup>th</sup> Order"), that was entered following the Court's decision in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), ("Guillaume"). PHH respectfully states as follows:

1. PHH is a corporation of the State of New Jersey.
2. PHH services mortgage loans for residential properties in New Jersey.
3. When PHH is the servicer of a loan, it undertakes payment collection, loss mitigation (modifications, short sales, deeds in lieu) and collection efforts, including foreclosure, with respect to a mortgage loan. If a loan is owned by another entity, PHH undertakes these efforts in accordance with the contracts that govern its relationship with the owner of the loan as

well as the loan documents, Rules of Court and any applicable laws. As the entity collecting and processing payments, PHH has the information relevant to the payments, escrows paid, amounts due and whether a loan is in default and by how much. This information is maintained on PHH's systems of record. In cases in which PHH is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information, as was recognized by the Supreme Court when it revised the Court Rules governing foreclosures at R. 4:64-1 and R. 4:64-2 in June, 2011. PHH makes this application to the Court pursuant to the authority granted to PHH as the servicing agent of Foreclosure Plaintiffs in pending foreclosure cases.

4. The identities of the Foreclosure Plaintiffs in the foreclosure cases for which PHH is seeking to issue corrected Notices of Intent are identified alphabetically in the Counts 1 through 10. Attached as Exhibits 1 through 10 to each of those Counts are the current lists of the pending, uncontested foreclosure cases that require corrected NOIs (collectively referred to hereafter as the "Corrected NOI List").

5. One of the duties of a servicer on a defaulted mortgage loan in New Jersey is to prepare and serve the Notice of Intent to Foreclose ("NOI"), in accordance with the applicable contracts and as required by N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by PHH and includes, among other data elements, information about the amount that is required to reinstate the loan and the date by which reinstatement must occur.

6. On February 27, 2012, the Supreme Court decided Guillaume and held that the Fair Foreclosure Act requires strict adherence to the notice requirements set forth in N.J.S.A. 2A:50-56(c) for all NOIs. The Court further held that a court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56 were not followed has the discretion to

choose the appropriate remedy, permitting a cure of the deficient NOI, or imposing such other remedy as may be appropriate to the specific case.

7. Following its decision in Guillaume, the Court entered the April 4<sup>th</sup> Order which authorizes the Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage to entertain summary actions by Orders to Show Cause as to why Plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012, in which final judgment has not been entered, who caused NOIs to be served that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected NOIs on defendant/mortgagors and/or parties obligated on the debt (the "Foreclosure Defendants").

8. The April 4<sup>th</sup> Order further states that any corrected NOI must be accompanied by a letter to the Foreclosure Defendants setting forth the reasons why the corrected NOI is being served, the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI, the name of a person to contact with any questions, and that the receipt of the corrected NOI allows Foreclosure Defendants 35 days in which to object or to cure the default.

9. PHH reviewed its pending foreclosure cases with its counsel to identify those foreclosure cases which will require a corrected NOI and has recognized that there are two problems with the previously served NOIs – (1) the failure to include the name and address of the lender, and (2) the failure to include the list of financial counseling services provided by the Department of Banking and Insurance ("DOBI List").

10. The Corrected NOI List attached as Exhibits 1 through 10 includes a portfolio of loans that are pre-judgment, uncontested foreclosures that PHH is servicing and in which deficient NOIs were served by PHH. Specifically, as directed by the Supreme Court in Guillaume and the April 4, 2012 Order, the Corrected NOI List includes a listing of:

- a. foreclosures that were filed on or before February 27, 2012 and which PHH is servicing the loans and acting as agent for a Foreclosure Plaintiff,
- b. in which final judgment has not been entered, and
- c. in which PHH is seeking leave to file a corrected NOI to (1) include the identity of the lender and the lender's address and (2) attach the DOBI List.

11. The Corrected NOI List also identifies (1) the name of the lender on each loan which is listed as the Plaintiff in the foreclosure action, (2) the name of the first named Foreclosure Defendant, (3) the foreclosure docket number and, (4) the vicinage.<sup>1</sup> While PHH is not the Plaintiff in all of the foreclosure actions, it is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI pursuant to the relevant contracts with the Foreclosure Plaintiffs.

12. To comply with the April 4<sup>th</sup> Order, attached as Exhibit "A" to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that PHH intends to send to each Foreclosure Defendant. As instructed by the Supreme Court in the April 4<sup>th</sup> Order, the proposed form of Explanatory Letter:

- a. explains the reason why the corrected NOI is being served,
- b. the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI,
- c. identifies the individual(s) a Foreclosure Defendant should contact with any questions, and
- d. advises the Foreclosure Defendant of the right to object to the corrected NOI as well as the right to cure the default within 35 days of the date of the corrected NOI.

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<sup>1</sup> Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the Foreclosure Plaintiff initially identified in the caption may not be the current correct entity that will be listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and PHH will require that foreclosure counsel take appropriate steps to change the plaintiff in affected foreclosure actions where required.

The corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure cases.

13. Attached as Exhibit "B" to the Verified Complaint is the proposed form of corrected NOI which PHH will send to each of the Foreclosure Defendants identified on the Corrected NOI List. Each Foreclosure Defendant will be served with a corrected NOI that includes, *inter alia*, the information specific to their mortgage loan, their default, the lender/holder's name and address and the amount to reinstate, as provided for in the Order to Show Cause.

#### **COUNT 1 – 21<sup>ST</sup> MORTGAGE CORPORATION**

14. PHH services residential mortgage loans in New Jersey for 21st Mortgage Corporation and some of its affiliates pursuant to an agreement between the parties.

15. Attached as Exhibit 1 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for 21<sup>st</sup> Mortgage Corporation and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

#### **COUNT 2 - BANK OF AMERICA, N.A.**

16. PHH services residential mortgage loans in New Jersey for Bank of America, N.A. and some of its affiliates pursuant to an agreement between the parties.

17. Attached as Exhibit 2 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for Bank of America, N.A. and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 3 – CITIBANK, N.A.**

18. PHH services residential mortgage loans in New Jersey for Citibank, N.A. and some of its affiliates pursuant to an agreement between the parties.

19. Attached as Exhibit 3 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for Citibank, N.A. and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 4 – DEUTSCHE BANK**

20. PHH services residential mortgage loans in New Jersey for Deutsche Bank and some of its affiliates pursuant to an agreement between the parties.

21. Attached as Exhibit 4 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for Deutsche Bank and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 5 – HSBC BANK USA, N.A.**

22. PHH services residential mortgage loans in New Jersey for HSBC Bank, USA, N.A. and some of its affiliates pursuant to an agreement between the parties.

23. Attached as Exhibit 5 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for HSBC Bank, USA, N.A. and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 6 – JP MORGAN CHASE BANK, N.A.**

24. PHH services residential mortgage loans in New Jersey for JP Morgan Chase Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

25. Attached as Exhibit 6 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for JP Morgan Chase Bank, N.A. and in which PHH

previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 7 - MERRILL LYNCH CREDIT CORPORATION**

26. PHH services residential mortgage loans in New Jersey for Merrill Lynch Credit Corporation and some if its affiliates pursuant to an agreement between the parties.

27. Attached as Exhibit 7 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for Merrill Lynch Credit Corporation and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 8 – PHH MORTGAGE CORPORATION**

28. PHH is the lender of residential mortgage loans in New Jersey.

29. Attached as Exhibit 8 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**COUNT 9 – U.S. BANK, N.A.**

30. PHH services residential mortgage loans in New Jersey for U.S. Bank, N.A. and some if its affiliates pursuant to an agreement between the parties.

31. Attached as Exhibit 9 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for U.S. Bank, N.A. and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

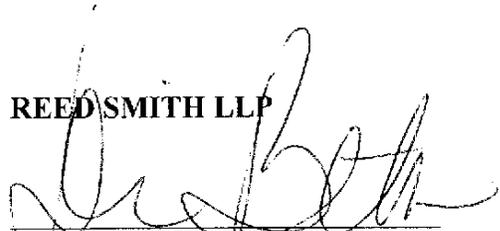
**COUNT 10 – WELLS FARGO BANK, N.A.**

32. PHH services residential mortgage loans in New Jersey for Wells Fargo Bank, N.A. and some if its affiliates pursuant to an agreement between the parties.

33. Attached as Exhibit 10 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by PHH for Wells Fargo Bank, N.A. and in which PHH previously served a NOI that did not include the name and address of the lender and/or the DOBI List.

**WHEREFORE**, Plaintiff respectfully requests that this Court enter an Order permitting PHH to issue corrected NOIs in an omnibus manner as permitted in the April 4, 2012 Order to include the name and address of the lender and include the DOBI List in the pending, uncontested foreclosure cases listed on the Corrected NOI List and for such other and further relief as this Court deems just and equitable.

**REED SMITH LLP**

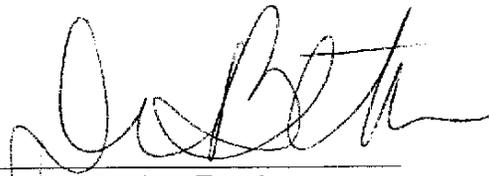


Diane A. Bettino, Esquire

Dated: July 23, 2013

**CERTIFICATION**

I certify pursuant to Rule 4:5-1 that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, other than the pending foreclosure actions on the Corrected NOI List attached hereto and any pending, separate actions initiated outside of the uncontested foreclosure proceedings in which Foreclosure Defendants may have raised claims concerning, *inter alia*, their NOIs but which are not at issue in this application. I further certify that I am unaware of any non-party who should be joined in this action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party based on the same transactional facts.

  
\_\_\_\_\_  
Diane A. Bettino, Esquire

Dated: July 23, 2013

**VERIFICATION**

STATE OF \_\_\_\_\_ :  
COUNTY OF \_\_\_\_\_ :

I, Dona Juttin, being duly sworn states:

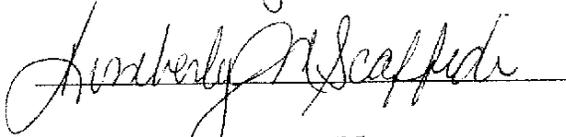
1. I am Counsel, \_\_\_\_\_ for  
RHH Motycs, the applicant named in the foregoing Verified Complaint.

2. The allegations in the Verified Complaint are true to the best of my knowledge and belief.

3. The Exhibits attached to the Verified Complaint are true and correct copies.



Sworn and subscribed before me  
this 23 day of July 2013



Kimberly M. Scaffidi  
Notary Public of New Jersey  
My Commission Expires February 27th 2015

LEGAL NOTICE

## **If you are a defendant in a pending foreclosure action in New Jersey, this notice may concern your case.**

**Why PHH Mortgage Corporation Is Running This Notice:** The New Jersey Supreme Court recently held that any Notice of Intent to Foreclose in New Jersey must strictly comply with the requirements of the Fair Foreclosure Act, including identifying the name and address of the lender and including the list of financial counseling services. Many Notices of Intent issued in the past did not include this information and did not comply with New Jersey's Fair Foreclosure Act.

**What This Means To You:** PHH has filed a lawsuit with the Court and has requested permission to issue corrected Notices of Intent. The New Jersey court has given PHH permission to serve corrected Notices of Intent. These corrected Notices of Intent are being sent to certain defendant mortgagors/parties obligated on the debt in pending foreclosure actions being serviced by PHH that were filed before February 28, 2012. You may receive a Notice with copies of the amended verified complaint and the order of the Court permitting PHH to issue the corrected Notices. All of the documents relating to this PHH lawsuit will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>.

**Your Right To Cure:** If you receive a corrected Notice of Intent, you will have an additional 35 days to cure the default on your mortgage that is in foreclosure in New Jersey without being required to pay the plaintiff's court costs and attorneys' fees in your foreclosure case. If you fail to cure the default by the date set forth in the corrected Notice of Intent, the pending foreclosure case against you may proceed ahead.

**Your Right To Object To This Process:** You also have the right to file an objection to this process of sending corrected Notices of Intent. Your objection must be in writing, and must say specifically what you object to. You must file any such objection by **[date]**. You must file and send any objection to:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention To Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

You must also send copies to Judge Margaret Mary McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, 77 Hamilton Street, NJ 07505 and to the attorney for PHH, Diane Bettino, Esquire, Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, NJ 08540.

**Your Right To Object To The Corrected Notice of Intent:** You also have the right to object to the specific Notice of Intent that is sent to you. To do so, you must file a written objection on the docket in your individual foreclosure case. You must also serve a copy of that objection on

Plaintiff's attorney in the foreclosure case. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website on the attached exhibits to the amended verified complaint in the PHH Order to Show Cause case or you can contact the PHH representative identified in the documents you may receive pursuant to the Court's order.

**If You Have Any Questions:** Please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609)-421-6100, or at SCCOForeclosure.Mailbox.judiciary.state.nj.us.

**REED SMITH LLP**

*Formed in the State of Delaware*

Diane A. Bettino, Esquire  
Princeton Forrestal Village  
136 Main Street, Suite 250  
Princeton, New Jersey 08540  
Tel. (609) 987-0050

Attorneys for PHH Mortgage Corporation

	)	<b>SUPERIOR COURT OF NEW JERSEY</b>
	)	<b>CHANCERY DIVISION</b>
	)	<b>PASSAIC COUNTY</b>
	)	<b>DOCKET NO.: F-23912-13</b>
	)	<u><b>CIVIL ACTION</b></u>
	)	<b>ORDER TO SHOW CAUSE</b>
	)	
	)	

**THIS MATTER** being brought before the Court by Reed Smith LLP, attorneys for PHH Mortgage Corporation (“PHH Mortgage”), authorized to act on behalf of Foreclosure Plaintiffs in pending foreclosure cases in New Jersey, seeking relief by way of summary action for an Order permitting PHH Mortgage to issue corrected Notices of Intent to Foreclose (“NOI”) to the defendant mortgagor and/or parties obligated on the debt (“Foreclosure Defendants”) in the pending, pre-judgment, uncontested foreclosure cases listed on the Exhibits 1 through 10 to the Amended Verified Complaint (“Corrected NOI List”) to include the name and address of the lender, and based upon the New Jersey Supreme Court’s decision in US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the implementing Order of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

**IT IS ON THIS** \_\_\_\_ day of \_\_\_\_\_ 2013 **ORDERED** that the Foreclosure Defendants whose names appear on the Corrected NOI List may appear before the Superior

Court at the Passaic County Courthouse, 71 Hamilton Street, Paterson, New Jersey at \_\_\_\_\_ o'clock on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 to object to this Court's Order allowing PHH Mortgage to issue corrected NOIs pursuant to this Order to Show Cause.

**AND IT IS FURTHER ORDERED THAT FOR EACH FORECLOSURE ACTION IN WHICH PHH MORTGAGE ISSUES A CORRECTED NOI TO A FORECLOSURE DEFENDANT:**

1. PHH Mortgage will issue a letter ("Explanatory Letter") to each Foreclosure Defendant in the form attached as Exhibit A to the Amended Verified Complaint. The Explanatory Letter will explain:

- the reasons why the corrected NOI is being served;
- the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI;
- the individuals to contact with any questions; and
- their right to object to the corrected NOI or their right to cure the default within 35 days of the date of the corrected NOI.

2. PHH Mortgage will issue a corrected NOI in the form attached as Exhibit B to the Amended Verified Complaint and shall attach such NOI to the Explanatory Letter referenced in paragraph 1 above. The corrected NOI will exclude attorneys' fees and foreclosure costs that have been incurred in the pending foreclosure cases. In accordance with the servicing guidelines and as required by N.J.S.A. 2A:50-56(e), the Explanatory Letter and corrected NOI will be sent by PHH Mortgage, the servicing agent.

3. PHH Mortgage will serve the corrected NOI, the Explanatory Letter and a copy of this Order to Show Cause (collectively, the "OSC Package"), via certified mail, return receipt requested and regular mail at the last known address of the Foreclosure Defendant. For purposes

of this Order to Show Cause, PHH Mortgage may serve each marital couple residing at the same address with one OSC Package via certified mail and regular mail.<sup>1</sup>

4. A copy of this PHH Mortgage's complete application to this Court shall be loaded onto the New Jersey Courts website within \_\_\_ days of the date of this Order where it will be available for review by the general public at the website link – <http://www.judiciary.state.nj.us/> and all attachments will be provided in searchable PDF files.

5. In addition to providing service of the OSC Package by certified and regular mail, PHH Mortgage will, within \_\_\_ days prior to \_\_\_\_\_, 2013, provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: The Star Ledger, The Bergen Record, The Press of Atlantic City, and the Courier Post.

6. PHH Mortgage shall file with the Court its proof of service of the OSC Package on the Foreclosure Defendants listed on the Corrected NOI List in the manner consistent with this Order and no later than nine (9) days before the return date.

7. You [Foreclosure Defendants] have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave PHH Mortgage permission to serve the corrected NOI). To do so, you must file a written objection under the docket number listed on the first page of this Order for this case. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address on or before \_\_\_\_\_, 2013:

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<sup>1</sup> In the event PHH Mortgage has been provided an address for the estate of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator, if known and available.

Superior Court Clerk's office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention to Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of the objection on PHH Mortgage's attorney, Diane A. Bettino, Esquire at Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540, and mail a copy of your objection to Judge McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505.

8. You [Foreclosure Defendants] also have the right to object to the corrected NOI that you will receive. You will also have 35 days from service of the OSC Package to cure your default. If you object to any of the contents of your corrected NOI, you must file written objection under the docket number for your foreclosure action. If you are unsure of the docket number for your foreclosure action, you can access that information on the Court's website on the attached exhibits to the Amended Verified Complaint or by calling the PHH Mortgage representative listed on the Explanatory Letter that will be sent with the corrected NOI. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address on or before \_\_\_\_\_:

Superior Court Clerk's Office, Foreclosure Processing Services  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of the objection on PHH Mortgage's attorney, Diane A. Bettino, Esquire at Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540, and mail a copy of your objection to Judge McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505.

9. PHH Mortgage may file and serve any written reply to any opposition papers received by \_\_\_\_\_, 2013. The reply papers must be filed with the Clerk of the Superior Court in Mercer County, with a copy to Judge McVeigh and to each Foreclosure Defendant who filed an opposition.

10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided with the corrected NOI.

11. A proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court by PHH Mortgage no later than nine (9) days before the return date.

12. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause.

13. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing, the OSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the following procedure shall be used. PHH Mortgage shall mail the OSC Package within 45 days of the lifting of the stay or suspension of the foreclosure action. You [Foreclosure Defendants] will have 35 days in which to object to the corrected NOI or 35 days from service of the OSC Package to cure your default. Any objections to the relief set forth in this Order to Show Cause shall be made in writing to the Court in the County in which your foreclosure action is pending. You must also send a copy of your written papers to PIII Mortgage's attorneys, Diane A. Bettino, Esquire, Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540, or the Court handling your foreclosure action will not be able to consider your objection.

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Honorable Margaret Mary McVeigh, P.J.Ch.

Diane A. Bettino  
Direct Phone: +1 609 514-5962  
Email: dbettino@reedsmith.com

Reed Smith LLP  
Princeton Forrestal Village  
136 Main Street - Suite 250  
Princeton, NJ 08540-7839  
+1 609 987 0050  
Fax +1 609 951 0824  
reedsmith.com

July 23, 2013

**Via JEFIS**

Superior Court Clerk's Office  
Superior Court of New Jersey  
25 Market Street  
Trenton, New Jersey 08611

**Re: *In re Application by PHH Mortgage Corporation to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Uncontested Cases***  
***Docket Number F-23912-13***

Your Honor:

This firm represents PHH Mortgage Corporation ("PHH"). As is set forth in the Amended Verified Complaint, PHH makes this application on behalf of Foreclosure Plaintiffs pursuant to the authority granted to PHH by those Foreclosure Plaintiffs. PHH seeks an Order from this Court permitting it to issue corrected Notices of Intent to Foreclose ("NOI") as set forth in the New Jersey Supreme Court Order dated April 4, 2012, that was entered following the Court's decision in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), ("Guillaume").

PHH services mortgage loans for residential properties in New Jersey. *Am. Ver. Comp.*, ¶ 2. As the servicer of mortgage loans, PHH undertakes payment collection, loss mitigation and collection efforts, including foreclosure. *Id.*, ¶ 3. PHH undertakes those tasks in accordance with the contracts that govern its relationship with the owners of the loans as well as the loan documents, Rules of Court and any applicable laws. *Id.* As the entity collecting and processing payments, PHH possesses the information relevant to the payments made, escrows, payments that are due and whether a loan is in default and by how much. *Id.* This information is maintained on PHH's systems of record. *Id.* The Foreclosure Plaintiff is not likely to have possession of the relevant servicing information in cases in which the servicing of the loan is being handled by PHH. *Id.*

One of PHH's duties as a servicer on a defaulted mortgage is to issue the NOI, in accordance with the Fair Foreclosure Act ("FFA") at N.J.S.A. 2A:50-56. The NOI is prepared based upon current loan information held by PHH. *Id.*, ¶ 5.

On February 27, 2012, the New Jersey Supreme Court decided Guillaume and held that the FFA requires strict adherence to the notice requirements set forth at N.J.S.A. 2A:50-56(c) for all NOIs. The

July 23, 2013

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Court also held that a court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56(c) were not met has the discretion to choose the appropriate remedy, including allowing a corrected NOI to be served.

Following its decision in Guillaume, the Supreme Court issued an Order on April 4, 2012 which authorizes this Court to entertain summary actions by Order to Show Cause as to why Plaintiffs who caused deficient NOIs to be served should not be allowed to issue corrected NOIs to defendant/mortgagors and/or parties obligated on the debt ("Foreclosure Defendants") in pending, pre-judgment uncontested foreclosures filed prior to February 27, 2012 in which final judgment has not yet been entered. The April 4<sup>th</sup> Order also instructed that any corrected NOI must be accompanied by a letter to each Foreclosure Defendant setting forth:

- the reasons why the corrected NOI is being served;
- the procedure to follow in the event a Foreclosure Defendant wishes to object to the corrected NOI;
- the name of a person to contact with any questions; and
- that the receipt of the corrected NOI allows the Foreclosure Defendant 35 days in which to object to or cure the default.

In accordance with the decision in Guillaume, PHH has identified a population of foreclosure cases in which the previously served NOIs failed to (1) include the name and address of the lender, as required by N.J.S.A. 2A:50-56(c)(11) and (2) failed to include the list of financial counseling services provided by the Department of Banking and Insurance ("DOBI List").<sup>1</sup> PHH seeks an Order from this Court allowing PHH to serve corrected NOIs that will include (1) the name and address of the current lender, and (2) the DOBI List so that Certifications of Due Diligence can be signed and the uncontested foreclosures can proceed to final judgment.

PHH has worked with its New Jersey foreclosure attorneys to compile a list of all pending, uncontested foreclosures in New Jersey in which final judgment has not been entered and in which PHH served technically deficient NOIs prior to February 12, 2012 as noted above ("Corrected NOI List"). For each pending case at issue in this application, the Corrected NOI List includes the Named Plaintiff, the Docket Number, the first named Foreclosure Defendant and the County.<sup>2</sup> The Corrected NOI List,

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<sup>1</sup> PHH filed a prior OSC to correct the same issues, Docket No. MER-F-7927-13. On June 27, 2013, the Court entered an Order permitting PHH to cure the defects in those NOIs.

<sup>2</sup> Because considerable time has passed since NOIs were originally served for the foreclosure actions, the lender initially identified in the foreclosure action as the plaintiff may not be the current lender listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and PHH will require that its counsel take the appropriate steps to change the plaintiff in affected foreclosure actions where required.

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attached as Exhibits 1 through 10 to the Amended Verified Complaint, is broken down by each Named Plaintiff. There are a total of 10 Named Plaintiffs for which PHH seeks to correct previously served NOIs. Those Named Plaintiffs (and their affiliated entities) are the following:

- Count 1 - 21<sup>st</sup> Mortgage Corporation;
- Count 2 - Bank of America, N.A.;
- Count 3 - Citibank, N.A.;
- Count 4 - Deutsche Bank;
- Count 5 - HSBC Bank USA, N.A.;
- Count 6 - JP Morgan Chase Bank, N.A.;
- Count 7 - Merrill Lynch Credit Corporation;
- Count 8 - PHH Mortgage Corporation;
- Count 9 - U.S. Bank, N.A.; and
- Count 10 - Wells Fargo Bank, N.A.

Also included with the Corrected NOI List are foreclosure cases that may have at one point been contested cases that were sent back to the Office of Foreclosure after resolution of the contesting issues, pursuant to N.J. Court Rule 4:64(1)(c)(3). PHH has included all cases within this application because the current application offers an additional benefit to any of these Foreclosure Defendants and will allow them to raise whatever objections they have to the process allowing the issuance of the corrected NOI or to the NOI itself, which can be asserted in their individual foreclosure action. Excluding such Foreclosure Defendants from this process will only leave those cases in a limbo state, which is not beneficial for the Parties or the Court.

In accordance with the April 4<sup>th</sup> Order, in conjunction with this Court's guidance, PHH will also send a form of letter ("Explanatory Letter") to each Foreclosure Defendant on the Corrected NOI List. Attached as Exhibit A to the Amended Verified Complaint is a form of Explanatory Letter that will:

- explain the reason why the corrected NOI is being served;
- the procedure to follow in the event that a Foreclosure Defendant wishes to object to the corrected NOI;
- identifies a contact person for any questions; and
- advises the Foreclosure Defendant of their right to object to the corrected NOI as well as the right to cure the default within 35 days of the date of the corrected NOI.<sup>3</sup>

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<sup>3</sup> The Explanatory Letter will inform the Foreclosure Defendants that if they are unsure of their individual foreclosure docket numbers, they may access that information on the Court's website by using the search function and entering their names. In addition, the Explanatory Letter will provide the contact information for a PHH representative who can assist with providing the docket number for the foreclosure actions. Thus, the Explanatory Letter will include all of the elements required by the Supreme Court's April 4, 2012 Order and will be consumer friendly in the ways required by this Court.

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In further support of this application, PHH has also supplied the proposed form of corrected NOI as Exhibit B to the Amended Verified Complaint which PHH will serve on each Foreclosure Defendant identified on the Corrected NOI List. The corrected NOI will include, *inter alia*, information specific to their loan, their default and the lender name and address. In addition, the corrected NOI will also exclude attorneys' fees and costs incurred in the pending foreclosure actions. Permitting PHH to issue corrected NOIs will provide the Foreclosure Defendants with yet another opportunity to cure their default and reinstate their loans, without the incursion of attorneys' fees and costs that are permitted to be charged after a foreclosure case has been filed. Provision of another opportunity to cure provides a benefit to the Foreclosure Defendants.

Notice will also be provided via publication notice in four newspapers as set forth in the Order to Show Cause. PHH will publish the proposed Publication Notice provided with these papers two times in each of the four papers, thereby providing additional notice to Foreclosure Defendants.

Allowing PHH to cure the deficient NOIs as requested in this application is the correct remedy. In Guillaume, the Supreme Court held that when faced with a deficient NOI, the trial court can determine the appropriate remedy and should consider the express purpose of the NOI provision: "to provide notice that makes 'the debtor aware of the situation' and to enable the homeowner to attempt to cure the default." 209 N.J. at 479. The Court stated that in fashioning a remedy, the trial court should "consider the impact of the defect in the notice of intention upon the homeowner's information about the status of the loan, and on his or her opportunity to cure the default." Id. In determining that a cure was the appropriate remedy, the trial court in Guillaume took such considerations into account when fashioning the remedy, including the nature of the deficiency. Id. at 480.

As in Guillaume, in this application, PHH seeks an Order allowing it to issue corrected NOIs to include the name and address of the lender in uncontested foreclosure actions. The trial court in Guillaume determined that the nature of that deficiency would allow a cure of the NOI, as opposed to some other remedy, even in the context of a contested foreclosure. In the application before this Court, PHH seeks to correct the same deficiency but in uncontested foreclosures. PHH also seeks to attach the DOBI List. The Foreclosure Defendants have already received numerous forms of notice concerning their foreclosure case during their cases and, with the issuance of a corrected NOI, will receive yet another opportunity to cure their defaults and reinstate their loans. Further, there is no indication of prejudice nor could there be because PHH will waive the attorneys' fees and costs that have been incurred in the foreclosures for purposes of the corrected NOI and possible reinstatement pursuant to this application. Furthermore, as the proposed Explanatory Letter makes clear, to the extent that a Foreclosure Defendant wants to object to the information contained in the corrected NOI itself, the Foreclosure Defendant will have the opportunity to raise and voice those objections in their individual foreclosure cases. Moreover, the Order to Show Cause provides a mechanism and process whereby the Foreclosure Defendants can raise directly with this Court any concern, objection or potential prejudice that they believe results from allowing PHH to correct the deficient NOIs.

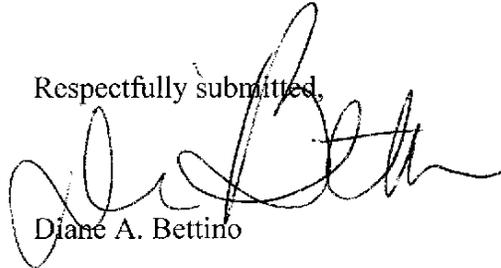
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For the reasons set forth in PHH's application, the Supreme Court has issued an Order that is faithful to the decision in Guillaume, and provides a mechanism to cure deficient NOIs so that Foreclosure Defendants will receive the notice that they should have received under the FFA and will also allow for the orderly judicial administration in the pending, uncontested foreclosures. For these reasons, it is respectfully requested that this Court:

- (a) Approve the form of Explanatory Letter at Exhibit A to the Amended Verified Complaint;
- (b) Approve the form of corrected NOI at Exhibit B to the Amended Verified Complaint;  
and
- (c) Allow PHH to serve corrected NOIs to the Foreclosure Defendants on the Corrected NOI List.

Undersigned counsel appreciates the Court's attention to this application and will be available to the Court to respond to any questions that may arise after review of the material filed today.

Respectfully submitted,



Diane A. Bettino

cc: Jennifer Perez, Superior Court Clerk (via JEFIS)

LEGAL NOTICE

**If you are a defendant in a pending foreclosure action in New Jersey, this notice may concern your case.**

**Why PHH Mortgage Corporation Is Running This Notice:** The New Jersey Supreme Court recently held that any Notice of Intent to Foreclose in New Jersey must strictly comply with the requirements of the Fair Foreclosure Act, including identifying the name and address of the lender and including the list of financial counseling services. Many Notices of Intent issued in the past did not include this information and did not comply with New Jersey's Fair Foreclosure Act.

**What This Means To You:** PHH has filed a lawsuit with the Court and has requested permission to issue corrected Notices of Intent. The New Jersey court has given PHH permission to serve corrected Notices of Intent. These corrected Notices of Intent are being sent to certain defendant mortgagors/parties obligated on the debt in pending foreclosure actions being serviced by PHH that were filed before February 28, 2012. You may receive a Notice with copies of the amended verified complaint and the order of the Court permitting PHH to issue the corrected Notices. All of the documents relating to this PHH lawsuit will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>.

**Your Right To Cure:** If you receive a corrected Notice of Intent, you will have an additional 35 days to cure the default on your mortgage that is in foreclosure in New Jersey without being required to pay the plaintiff's court costs and attorneys' fees in your foreclosure case. If you fail to cure the default by the date set forth in the corrected Notice of Intent, the pending foreclosure case against you may proceed ahead.

**Your Right To Object To This Process:** You also have the right to file an objection to this process of sending corrected Notices of Intent. Your objection must be in writing, and must say specifically what you object to. You must file any such objection by **[date]**. You must file and send any objection to:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention To Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

You must also send copies to Judge Margaret Mary McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, 77 Hamilton Street, NJ 07505 and to the attorney for PHH, Diane Bettino, Esquire, Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, NJ 08540.

**Your Right To Object To The Corrected Notice of Intent:** You also have the right to object to the specific Notice of Intent that is sent to you. To do so, you must file a written objection on the docket in your individual foreclosure case. You must also serve a copy of that objection on

Plaintiff's attorney in the foreclosure case. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website on the attached exhibits to the amended verified complaint in the PHH Order to Show Cause case or you can contact the PHH representative identified in the documents you may receive pursuant to the Court's order.

**If You Have Any Questions:** Please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609)-421-6100, or at [SCCOForeclosure.Mailbox.judiciary.state.nj.us](mailto:SCCOForeclosure.Mailbox.judiciary.state.nj.us).

# **EXHIBIT B**

**PHH Mortgage**

  
2001 Bishops Gate Blvd  
Mt Laurel, NJ

Tel 800-449-8767  
Fax 856-917-8300

Date

Borrower's First Name I. Last Name  
Mailing Address  
Mailing City, Mailing State      Mailing Zip Code

Loan Number:            0000000000  
Property Address:      Property Address  
                                 Property City, Property State  
                                 Property Zip Code

**NOTICE OF DEFAULT AND INTENTION TO FORECLOSE**

This letter is formal notice by PHH Mortgage Corporation (herein as "PHH"), the Servicer on behalf of LENDER'S NAME, LENDER'S ADDRESS, the Creditor to whom the debt is owed, that you are in default under the terms of the documents creating and securing your Loan described above, including the Note and Deed of Trust/Mortgage/Security Deed ("Security Instrument"), for failure to pay the amounts due.

The loan is due for [Default Date] and subsequent payments, plus late charges, fees and costs. As of today, the total delinquency and reinstatement amount is \$00.00, which consists of the following:

Next Payment Due Date:	[Date]
Total Monthly Payments Due:	\$00.00
Late Charges:	\$00.00
Other Charges:            Insurance:	\$00.00
Taxes:	\$00.00
<b>TOTAL YOU MUST PAY TO CURE DEFAULT:</b>	<b>\$00.00</b>

**It is possible that after payment of the amounts detailed above there may be other fees still due and owing, including but not limited to other fees, escrow advances or corporate advances that PHH paid on your behalf or advanced to your account.**

**RIGHT TO CURE DEFAULT**

You may cure your default by paying the aforesaid amount by so that it is received at the following address on or before [Date].

You must also pay any other scheduled installments and late charges which become due after the date of this letter. Please contact a PHH representative at (800) 330-0423 to determine the exact amount due and to arrange for payment.

Please include your loan number and property address with your payment and send to:

PHH Mortgage Corporation  
Attention: Cash Management Department  
2001 Bishops Gate Blvd  
Mail Stop SV19  
Mount Laurel, NJ 08054

Failure to cure the default on or before [Date], may result in acceleration of the sums secured by the Security Instrument, foreclosure by judicial proceeding and sale of the property. If the mortgage is foreclosed, the mortgaged property will be sold by the sheriff or Court appointed official to pay off the mortgaged debt. Once we begin foreclosure proceedings, you shall still have the right at any time, up to the entry of final judgment or the entry by the court of an order of redemption, to cure the default, decelerate and reinstate your loan. You may do this by making a payment of all sums due necessary to bring the loan current including late or other charges that are due such as all court costs and attorney's fees in the amount which shall not exceed the amount permitted under the Rules Governing the Courts of the State of New Jersey. You must also perform any other obligations required under the note and security instrument.

At any time after default, you may transfer your property to another person (assumption) and that person may have the right to cure the default, if the mortgage documents allow.

#### **RIGHT TO SEEK LEGAL COUNSEL**

You are hereby advised to seek legal advice from an attorney of your own choosing concerning your rights under the mortgage documents and the Fair Foreclosure Act. If you are unable to pay for an attorney, call a legal service office. An individual non-eligible for free legal assistance may obtain a referral to an attorney by calling the New Jersey Bar Association or the LAWYER REFERRAL SERVICE for the county in which the property is located. A list of legal service offices is attached.

#### **POSSIBLE FINANCIAL ASSISTANCE**

You are hereby advised that there may be financial assistance available to help you cure your default through programs operated by the State, Federal and numerous non-profit organizations, as identified by the New Jersey State Commissioner of Banking whose telephone number is 1-609-292-7272 or the Consumer Hotline at 1-800-446-7467. Annexed hereto is a list of such Financial Assistance Agencies which may help you.

**Attention Servicemembers and dependents:** Servicemembers on "active duty" or "active service," or a spouse or dependent of such a servicemember may be entitled to certain legal protections and debt relief pursuant to the Servicemembers Civil Relief Act (50 USC App. §§ 501-597b) (SCRA) ) regarding the servicemember's interest rate and the risk of foreclosure. Servicemembers and dependents with questions about the SCRA should contact their unit's Judge Advocate, or their installation's Legal Assistance Officer. SCRA and certain state laws provide important protections for you, including prohibiting foreclosure under most circumstances. If you are currently in the military service, or have been within the last twelve (12) months, **AND** joined after signing the Note and Security Instrument now in default, please notify PHH immediately. When contacting PHH as to your military service, you must provide positive proof as to your military status. Homeowner counseling is also available at agencies such as Military OneSource (<http://www.militaryonesource.mil/>; 1-800-342-9647) and Armed Forces Legal Assistance (<http://legalassistance.law.af.mil/content/locator.php>), and through HUD-certified housing counselors (<http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>). You can also contact us toll-free at (800) 330-0423 if you have questions about your rights under SCRA.

PHH MORTGAGE CORPORATION IS A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE. TO THE EXTENT YOUR OBLIGATION HAS BEEN DISCHARGED OR IS SUBJECT TO THE AUTOMATIC STAY IN A BANKRUPTCY PROCEEDING, THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A DEMAND FOR PAYMENT OR AN ATTEMPT TO COLLECT AN INDEBTEDNESS AS YOUR PERSONAL OBLIGATION. IF YOU ARE REPRESENTED BY AN ATTORNEY, PLEASE PROVIDE US WITH THE ATTORNEY'S NAME, ADDRESS AND TELEPHONE NUMBER.

**IF YOU DISAGREE THAT DEFAULT OCCURRED**

If you disagree with the assertion that a default has occurred or the correctness of the calculation of the amount required to cure the default, you may contact our Collections Department at (800) -330-0423, Monday through Friday 8:30 AM to 8:30 PM EST.

If you are experiencing financial difficulty, you should know that there are several options available to you that may help you keep your home. You may contact a government approved housing counseling agency which provides free or low-cost housing counseling. You should consider contacting one of these agencies immediately. These agencies specialize in helping homeowners who are facing financial difficulty. Housing counselors can help you assess your financial condition and work with us to explore the possibility of modifying your loan, establishing an easier payment plan for you, or even working out a period of loan forbearance. For your benefit and assistance, there are government approved homeownership counseling agencies designed to help homeowners avoid losing their homes. To obtain a list of approved counseling agencies, please call (800) 569-4287 or visit <http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>.

You may be eligible for assistance from the Homeownership Preservation Foundation or other foreclosure counseling agency. You may call the following toll-free number to request assistance from the Homeownership Preservation Foundation: (888) 995-HOPE (4673). If you wish, you may also contact us directly at (800) 330-0423 and ask to discuss possible options.

This matter is very important. Please give it your immediate attention.

Sincerely,

PHH Mortgage Services  
2001 Bishops Gate Blvd  
Mt. Laurel, NJ 08054

PHH MORTGAGE CORPORATION IS A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE. TO THE EXTENT YOUR OBLIGATION HAS BEEN DISCHARGED OR IS SUBJECT TO THE AUTOMATIC STAY IN A BANKRUPTCY PROCEEDING, THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A DEMAND FOR PAYMENT OR AN ATTEMPT TO COLLECT AN INDEBTEDNESS AS YOUR PERSONAL OBLIGATION. IF YOU ARE REPRESENTED BY AN ATTORNEY, PLEASE PROVIDE US WITH THE ATTORNEY'S NAME, ADDRESS AND TELEPHONE NUMBER.

**NOTICE REQUIRED BY THE  
FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. SECTION 1601 AS AMENDED**

The principal balance due on the debt, as of the date of this letter is \$ 00.00

1. This amount does not include any interest, other charges, foreclosure or bankruptcy fees and costs which have been, or may be, incurred in the future.
2. The debt referred to in the proceeding Notice of Intention to Foreclose evidenced by the copy of the Mortgage and Note, will be assumed valid by the creditor, unless debtors, within thirty-five (35) days after the receipt of this Notice, disputes, in writing, the validity of the debt or some portion thereof.
3. If the debtor notifies the creditor, in writing, within thirty-five (35) days of the receipt of this Notice, that the debt, or any portion thereof, is disputed, the creditor will obtain verification of the debt and a copy of the verification will be mailed to the debtor by the creditor.
4. If the creditor, specified in the proceeding Notice of Intention to Foreclose, is not the original creditor, and if the debtor makes a written request to the creditor within thirty-five (35) days from the receipt of the Notice, the name and address of the original creditor will be mailed to the debtor by the creditor.
5. Written requests should be addressed to:

PHH Mortgage Corporation  
2001 Bishops Gate Blvd  
Mount Laurel, NJ 08054

Please refer to our file number: [Loan Number]

PHH MORTGAGE CORPORATION IS A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE. TO THE EXTENT YOUR OBLIGATION HAS BEEN DISCHARGED OR IS SUBJECT TO THE AUTOMATIC STAY IN A BANKRUPTCY PROCEEDING, THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A DEMAND FOR PAYMENT OR AN ATTEMPT TO COLLECT AN INDEBTEDNESS AS YOUR PERSONAL OBLIGATION. IF YOU ARE REPRESENTED BY AN ATTORNEY, PLEASE PROVIDE US WITH THE ATTORNEY'S NAME, ADDRESS AND TELEPHONE NUMBER.

## GOVERNMENT AND NON-PROFIT ENTITIES

### **AMERICAN CREDIT ALLIANCE, INC.**

26 South Warren Street  
Trenton, NJ 08608  
(609) 393-5400

### **ATLANTIC HUMAN RESOURCES, INC.**

1 South New York Avenue  
Atlantic City, NJ 08401  
(609) 348-4131

### **CONSUMER CREDIT COUNSELING SERVICE OF NEW JERSEY**

185 Ridgedale Avenue  
Cedar Knolls, NJ 07927-1812  
(973) 267-4324

### **CONSUMER CREDIT COUNSELING SERVICE OF CENTRAL NEW JERSEY**

1931 Nottingham Way  
Hamilton, NJ 08619  
(609) 586-2574

### **FAIR HOUSING COUNSEL OF NORTHERN NEW JERSEY**

131 Main Street  
Hackensack, NJ 07601  
(201) 489-3552

### **GARDEN STATE CONSUMER CREDIT COUNSELING, INC.**

225 Willowbrook Road  
Freehold, NJ 07728  
(800) 992-4557

### **JERSEY COUNSELING & HOUSING DEVELOPMENT, INC.**

29 South Blackhorse Pike  
Blackwood, NJ 08012  
(856) 227-3683

### **JERSEY COUNSELING & HOUSING DEVELOPMENT, INC.**

1840 South Broadway  
Camden, NJ 08104  
(856) 541-1000

### **MERCER COUNTY HISPANIC ASSOCIATION**

200 E State Street, 2nd Floor  
Trenton, NJ 08607  
(609) 392-2446

### **MIDDLESEX COUNTY ECONOMIC OPPORTUNITIES CORPORATION**

1215 Livingston Ave  
North Brunswick, NJ 08902  
(732) 790-3344

### **NJ CITIZEN ACTION (MAIN OFFICE/FINANCIAL EDUCATION CENTER)**

744 Broad Street, Suite 2080  
Newark, NJ 07102  
(973) 643-8800  
(800) NJ-OWNER (Loan Counseling)  
(888) TAXES-11 (Free Tax Preparation Assistance)

### **NJ CITIZEN ACTION (CENTRAL JERSEY)**

85 Raritan Avenue, Suite 100  
Highland Park, NJ 08904  
(732) 246-4772

### **NJ CITIZEN ACTION (SOUTH JERSEY)**

2 Riverside Drive, Suite 362  
Camden, NJ 08103  
(856) 966-3091

### **OCEAN COMMUNITY ECONOMIC ACTION NOW, INC.**

22 Hyer Street  
Toms River, NJ 08753-0773  
(732) 244-2351, extension 2

### **PATERSON COALITION FOR HOUSING, INC.**

262 Main Street, 5th Floor  
Paterson, NJ 07505  
(973) 684-5998

### **PATERSON TASK FORCE FOR COMMUNITY ACTION, INC**

155 Ellison Street  
Paterson, NJ 07505  
(973) 279-2333

### **PUERTO RICAN ACTION BOARD HOUSING COALITION UNIT**

90 Jersey Avenue  
New Brunswick, NJ 08901  
(732) 249-9700

### **TRI-COUNTY COMMUNITY ACTION AGENCY, INC.**

110 Cohansey Street  
Bridgeton, NJ 08302  
(856) 451-6330

### **URBAN LEAGUE FOR BERGEN COUNTY**

106 West Palisade Avenue  
Englewood, NJ 07631  
(201) 568-4988

### **URBAN LEAGUE OF ESSEX COUNTY**

508 Central Avenue  
Newark, NJ 07101  
(973) 624-9535

### **URBAN LEAGUE OF UNION COUNTY**

288 North Broad Street  
Elizabeth, NJ 07208  
(908) 351-7200

### **HOMELESSNESS PREVENTION PROGRAM**

New Jersey Department of Community Affairs  
(866) 889-6270 \*

\* Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the Deed and Mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document sufficient income to support the household and repay the loan. There is a fee for the credit check and property search.

**PHH Mortgage**



2001 Bishops Gate Blvd  
Mt Laurel, NJ 08054

Tel 800-449-8767  
Fax 856-917-8300

**AATLANTIC COUNTY BAR ASSOCIATION**

1201 Bacharach Blvd.,  
Atlantic City, NJ 08401  
(609) 345-3444; Fax: (609) 345-6279  
E-Mail: [atcobara@aol.com](mailto:atcobara@aol.com)  
Internet: [www.atcobar.org](http://www.atcobar.org)

**BERGEN COUNTY BAR ASSOCIATION**

15 Bergen Street,  
Hackensack, NJ 07601  
(201) 488-0044  
Internet: [www.bergenbar.org](http://www.bergenbar.org)

**BURLINGTON COUNTY BAR ASSOCIATION**

45 Grant Street  
Mount Holly, NJ 08060  
(609) 261-4862; Fax: (609) 261-5423  
Internet: [www.burlcobar.org](http://www.burlcobar.org)

**CAMDEN COUNTY BAR ASSOCIATION**

1040 N. Kings Highway, Suite 201  
Cherry Hill, NJ 08034  
(856) 482-0618; Fax: (856) 482-0620  
Internet: [www.camdencountybar.org](http://www.camdencountybar.org)

**CAPE MAY COUNTY BAR ASSOCIATION**

9 North, Main Street  
Cape May Court House, NJ 08210  
(609) 463-0313; Fax: (609) 778-1193  
E-Mail: [cmcba@comcast.net](mailto:cmcba@comcast.net)

**CUMBERLAND COUNTY BAR ASSOCIATION**

P.O. Box 2374  
Vineland, NJ 08362  
(856) 696-5550; Fax: (856) 696-5558  
E-Mail: [info@cumbnjbarassoc.org](mailto:info@cumbnjbarassoc.org)  
Internet: [www.cumbnjbarassoc.org](http://www.cumbnjbarassoc.org)

**ESSEX COUNTY BAR ASSOCIATION**

470 Dr. Martin Luther King Jr. Blvd.  
Newark, NJ 07102  
(973) 533-6775; (973) 622-4341  
E-mail: [info@essexbar.com](mailto:info@essexbar.com)  
Internet: [www.essexbar.com](http://www.essexbar.com)

**GLOUCESTER COUNTY BAR ASSOCIATION**

P.O. Box 338  
Woodbury, NJ 08096  
(856) 848-4589  
Email: [baroffice@gcbanj.org](mailto:baroffice@gcbanj.org)  
Internet: [www.gcbanj.org](http://www.gcbanj.org)

**HUDSON COUNTY BAR ASSOCIATION**

583 Newark Ave.  
Jersey City 07306  
(201) 798-4708; Fax: (201) 798-1740  
Internet: [www.hcbalaw.com](http://www.hcbalaw.com)

**HUNTERDON COUNTY BAR ASSOCIATION**

P.O. Box 573  
Annandale, NJ 08801  
(908) 236-6109; Fax: (908) 236-6119  
E-mail: [director@huntcolaw.org](mailto:director@huntcolaw.org)  
Internet: [www.huntcolaw.org](http://www.huntcolaw.org)

*Log in to [MortgageQuestions.com](http://MortgageQuestions.com) --- your servicing website connection.*

**PHH Mortgage**



2001 Bishops Gate Blvd  
Mt Laurel, NJ 08054

Tel 800-449-8767  
Fax 856-917-8300

**MERCER COUNTY BAR ASSOCIATION**

1245 Whitehorse Mercerville Rd  
Suite 420  
Hamilton, NJ 08619  
(609) 585-6200; Fax:(609) 585-5537  
E-mail: [info@mercer.com](mailto:info@mercer.com)  
Internet: [www.mercerbar.com](http://www.mercerbar.com)

**MIDDLESEX COUNTY BAR ASSOCIATION**

87 Bayard Street  
New Brunswick, NJ 08901  
(732) 828-0053, ext 100  
E-mail: [admin@mcbalaw.com](mailto:admin@mcbalaw.com)  
Internet: [www.mcbalaw.com](http://www.mcbalaw.com)

**MONMOUTH BAR ASSOCIATION**

Monmouth County Court House  
Freehold, NJ 07728  
(732) 431-5544; Fax:(732) 431-2843

**MORRIS COUNTY BAR ASSOCIATION**

28 Schuyler Place  
Morristown, NJ 07960  
(973) 267-5882; Fax:(973) 605-8325  
Internet: [www.morriscountybar.com](http://www.morriscountybar.com)

**OCEAN COUNTY BAR ASSOCIATION**

P.O. Box 381  
Toms River, NJ 08753  
(732) 240-3666; Fax: (732) 240-4907  
Internet: [www.oceancountybar.org](http://www.oceancountybar.org)

**PASSAIC COUNTY BAR ASSOCIATION**

401 Grand Street, 3rd Floor  
Paterson, NJ 07505  
(973) 345-4585  
Internet: [www.passaicbar.org](http://www.passaicbar.org)

**SALEM COUNTY BAR ASSOCIATION**

(856) 935-5629  
Internet: [www.salemcountybar.org](http://www.salemcountybar.org)

**SOMERSET COUNTY BAR ASSOCIATION**

10 N. Bridge Street HCH 325,  
Somerville, NJ 08876  
(908) 685-2323; Fax: (908) 685-9839  
Internet: [www.somersetbar.com](http://www.somersetbar.com)

**UNION COUNTY BAR ASSOCIATION**

Courthouse, 1st Floor,  
Elizabeth, NJ 07207  
(908) 353-4715; Fax: (908) 354-8222  
Internet: [www.uclaw.com](http://www.uclaw.com)

**WARREN COUNTY BAR ASSOCIATION**

413 Second Street  
Belvidere, NJ 07823  
(908) 387-1835  
Email: [warrencountybar@yahoo.com](mailto:warrencountybar@yahoo.com)

*Log in to [MortgageQuestions.com](http://MortgageQuestions.com) --- your servicing website connection.*

## CONTACT FOR LEGAL SERVICES ORGANIZATIONS

### LEGAL SERVICES OF NEW JERSEY -- statewide program serving all counties

You may apply for free legal services on line at: [WWW.LSNJLAW.ORG](http://WWW.LSNJLAW.ORG)  
or call the toll free hotline number at: 1-888-LSNJ-LAW or 1-888-576-5529  
or you may contact the regional Legal Services program in the county where you live.

### REGIONAL LEGAL SERVICES PROGRAMS -- programs serving particular counties

#### 1. LEGAL SERVICES OF NORTHWEST JERSEY -- Serving Morris, Somerset, Hunterdon, Sussex, and Warren counties

**Hunterdon County**  
82 Park Avenue  
Flemington, NJ 08822  
(908) 782-7979

**Morris County**  
30 Schayler Place, 2nd Floor  
Morristown, NJ 07963  
(973) 285-6911

**Somerset County**  
34 West Main Street, Suite 301  
Somerville, NJ 08876  
(908) 231-0840

**Sussex County**  
18 Church Street, Suite 120  
Newton, NJ 07860  
(973) 383-7400

**Warren County**  
91 Front Street  
Belvidere, NJ 07823  
(908) 475-2010

#### 2. NORTHEAST LEGAL SERVICES -- Serving Bergen, Hudson and Passaic counties

**Bergen County Office**  
190 Moore Street  
Hackensack, NJ 07601  
201-487-2166

**Hudson County Office**  
574 Summit Avenue  
Jersey City, NJ 07306  
201-792-6363

**Passaic County Office**  
152 Market Street  
Paterson, NJ 07505  
973-523-2900

#### 3. ESSEX-NEWARK LEGAL SERVICES -- serving Essex County

5 Commerce Street  
Newark, NJ 07102  
973- 624- 4500

#### 4. CENTRAL JERSEY LEGAL SERVICES -- Serving Union, Middlesex, and Mercer counties

**Trenton**  
198 West State Street  
Trenton, NJ 08608  
(609) 695-6249

**New Brunswick**  
317 George Street, Suite 201  
New Brunswick, NJ 08901  
(732) 249-7600

**Perth Amboy**  
313 State Street, Suite 308  
Perth Amboy, NJ 08861  
(732) 324-1613

**Elizabeth**  
60 Prince Street  
Elizabeth, NJ 07208  
(908) 354-4340  
Telephone for the Hearing Impaired:  
(908) 558-1642

#### 5. OCEAN MONMOUTH LEGAL SERVICES -- Serving Ocean and Monmouth counties

Monmouth County: (732) 866-0020

Ocean County: (732) 341-2727

#### 6. SOUTH JERSEY LEGAL SERVICES -- Serving Burlington, Camden, Gloucester, Atlantic, Cape May, Cumberland, and Salem counties

1-800-496-4570 between 9:00 am and 1:00 pm

# **EXHIBIT A**

[Date]  
[Defendant Name(s)]  
[Defendant Address]  
[Defendant City, State ZIP]

**Re: *In re Application by PHH Mortgage Corporation to Issue Corrected Notices of Intent to Foreclose***  
***Docket Number:***

Dear Sir/Madam:

PHH Mortgage Corporation (“PHH”) filed the lawsuit referenced above and is asking the Superior Court of New Jersey to allow PHH to correct the Notice of Intention to Foreclose that was served on you before your separate, individual foreclosure case was filed. This request is based on the case called *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012), in which the New Jersey Supreme Court held that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act’s requirement that a Notice of Intent to Foreclose set forth the name and address of the lender.

***You are not named as a direct party in this lawsuit but this case will affect your separate, pending foreclosure case.***

**Why You Are Receiving This Letter**

You are receiving this letter because you are the defendant in a separate, pending foreclosure action, and it is believed that the Notice of Intent to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act because it did not correctly identify the name and/or address of the lender.

By the Court’s Order to Show Cause [dated], and in compliance with the Supreme Court’s opinion in *U.S. Bank N.A. v. Guillaume*, the Honorable Margaret Mary McVeigh gave permission to PHH to serve, along with the Order to Show Cause and Amended Verified Complaint, Corrected Notices of Intent to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012.

**Information About the Order to Show Cause and Amended Verified Complaint**

Enclosed with this letter is a copy of the Order to Show Cause and the Amended Verified Complaint (without exhibits). The amended verified complaint lists the following lenders in the following counts of the amended verified complaint:

- Count 1 - 21<sup>st</sup> Mortgage Corporation;
- Count 2 - Bank of America, N.A.;
- Count 3 - Citibank, N.A.;
- Count 4 - Deutsche Bank;
- Count 5 - HSBC Bank USA, N.A.;

- Count 6 - JP Morgan Chase Bank, N.A.;
- Count 7 - Merrill Lynch Credit Corporation;
- Count 8 - PHH Mortgage Corporation;
- Count 9 - U.S. Bank, N.A.; and
- Count 10 - Wells Fargo Bank, N.A.

The attachments to the Amended Verified Complaint, which list the foreclosure actions in which the above-named lenders are the plaintiffs, will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website on the attached exhibits to the amended verified complaint by entering your name into the automatic search field on the website. If you do not have access to a computer or have trouble locating that information on the Court's website, you can contact [NAME] at PHH at [PHONE NUMBER] who can assist you with locating the information about your foreclosure action.

### **Information About the Corrected Notice of Intent to Foreclose**

Also enclosed with this letter is the Corrected Notice of Intent to Foreclose. It allows you an additional 35 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' fees. It also sets forth important information about your loan, including information on how you can cure the default; the consequences of failing to cure the default; contact information for the plaintiff; and information about retaining counsel and borrower assistance. If you fail to cure the default by the date set forth in the corrected Notice of Intent to Foreclose, the foreclosure action against you will proceed.

If you cannot afford an attorney, you may apply for free legal assistance on-line at [www.lsnjlaw.org](http://www.lsnjlaw.org) or call the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529) or call the Legal Services office in the county where you live. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is attached.

If you are represented by an attorney in your foreclosure case, you should notify him or her that you received these papers. These papers are not being sent directly to your attorney if you have one.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the named plaintiff in the foreclosure action. The corrected Notice of Intent to Foreclose lists the name and address of the current lender on your loan.

### **Questions about the Notice of Intent to Foreclose**

Should you have questions with regard to your loan or the corrected Notice of Intent to Foreclose, please contact [NAME] at PHH at [PHONE NUMBER]. Additional contact information is provided in the corrected Notice of Intent to Foreclose.

## **How to File an Objection**

You have the right to object to the enclosed Order to Show Cause (the process by which the court gave the plaintiff permission to serve the corrected Notice of Intent to Foreclose). To do so, you must file a written objection under the docket number for the Order to Show Cause.

You also have the right to object to the enclosed corrected Notice of Intent to Foreclose. To do so, you must file a written objection under the docket number for the ***foreclosure action in your individual case, which is separate from this case filed by PHH.***

For either type of objection, you must set forth with specificity the basis of the objection, and file the objection with the Superior Court Clerk's Office at the following address by [DATE]:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention to Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of the objection on the plaintiff's attorney, Diane Bettino, Esquire, Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540, and mail a copy of the objection to Judge Margaret Mary McVeigh, Passaic County Courthouse, 77 Hamilton Street, Paterson, New Jersey 07505.

Your personal appearance at the Superior Court Clerk's Office or your local courthouse will not qualify as an objection. A telephone call will not protect your rights; you must file your objection and serve it on the plaintiff's attorney if you want the court to hear your objection to the relief the plaintiff is seeking. If you file a specific written objection, the case will be sent to a Judge for resolution. You will be informed by the Judge of the time and place of the hearing on your objection.

## **Questions about Filing an Objection**

Should you have questions related to the procedure for filing an objection, please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at [SCCOForeclosure.Mailbox@judiciary.state.nj.us](mailto:SCCOForeclosure.Mailbox@judiciary.state.nj.us).

**REED SMITH LLP**

*Formed in the State of Delaware*

Diane A. Bettino, Esquire  
Princeton Forrestal Village  
136 Main Street, Suite 250  
Princeton, New Jersey 08540  
Tel. (609) 987-0050

Attorneys for PHH Mortgage Corporation

	)	<b>SUPERIOR COURT OF NEW JERSEY</b>
	)	<b>CHANCERY DIVISION</b>
	)	<b>PASSAIC COUNTY</b>
	)	<b>DOCKET NO.: F-23912-13</b>
	)	<b><u>CIVIL ACTION</u></b>
	)	<b>CERTIFICATION OF SERVICE</b>
	)	
	)	

I hereby certify that on this date, I caused the original and two (2) copies of the following documents to be sent for filing via JEFIS on Jennifer Perez, Clerk of the Superior Court, Superior Court of New Jersey:

1. Order to Show Cause;
2. Amended Verified Complaint with Exhibits;
3. Letter Brief in Support of Application;
4. Proposed Publication Notice; and
5. This Certification of Service.

The foregoing statements made by me are true and correct to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in cursive script, appearing to read "Diane A. Bettino".

Diane A. Bettino, Esquire

Dated: July 23, 2013