

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

)	SUPERIOR COURT OF NEW JERSEY
IN RE APPLICATION BY PHH)	CHANCERY DIVISION
MORTGAGE CORPORATION TO)	PASSAIC COUNTY
ISSUE CORRECTED NOTICES OF)	DOCKET NO.: F-23912-13
INTENT TO FORECLOSE ON BEHALF)	<u>CIVIL ACTION</u>
OF IDENTIFIED FORECLOSURE)	
PLAINTIFFS IN UNCONTESTED)	ORDER TO SHOW CAUSE
CASES)	
)	
)	

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 2nd day of August 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 10 a.m. o'clock on the 7th day of November, 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.¹ The OSC Package shall be mailed to each Foreclosure Defendant within forty-five (45) days of the entry of this Order.

4. A copy of this PHH Mortgage's complete application to this Court shall be loaded onto the New Jersey Courts website within 5 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 2 days prior to October 8, 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 October 21, 2013:

¹ 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 October 21, 2013 :

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 October 31, 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 PHH 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.


Honorable Margaret Mary McVeigh, P.J.Ch.