

Case # 6895  
\$ 200.00  
B-101  
7-15-13

**KNUCKLES, KOMOSINSKI & ELLIOTT, LLP**  
565 Taxter Road, Suite 590  
Elmsford, NY 10523  
Tel: (914) 345-3020  
Fax: (914) 366-0080  
Attorneys for Emigrant Mortgage Company, Inc.

**RECEIVED**

JUL 15 2013

SUPERIOR COURT  
CLERK'S OFFICE

**IN RE SPECIAL SUMMARY ACTION  
AUTHORIZED BY ORDER OF THE NEW  
JERSEY SUPREME COURT DATED  
APRIL 4, 2012 BY EMIGRANT  
MORTGAGE COMPANY, INC. TO ISSUE  
CORRECTIVE NOTICES OF INTENT TO  
FORECLOSE IN UNCONTESTED  
FORECLOSURE ACTIONS**

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
PASSAIC COUNTY**

**DOCKET NO.: F -024807-13**

**CIVIL ACTION**

**VERIFIED COMPLAINT**

Emigrant Mortgage Company, Inc. ("Emigrant"), through its attorneys, Knuckles, Komosinski & Elliott, LLP, by way of Verified Complaint, hereby states as follows:

1. Emigrant is a lender and mortgage loan servicer for residential properties located in the State of New Jersey.
2. In servicing mortgage loans for residential properties located in the State of New Jersey, Emigrant's functions include, but are not limited to, the issuance of statements for payment, the collection of payments, loss mitigation, and the coordination of and assistance with mortgage foreclosure actions commenced by counsel in the name of the owner of the mortgage loan for whom Emigrant provides services.
3. Emigrant provides its services to the owners of mortgage loans pursuant to and in accordance with written contracts that govern the parties' relationship, as well as in accordance with the applicable loan documents, the New Jersey Rules of Court and other applicable New Jersey and/or federal laws.

4. Emigrant performs services for, among other owners of mortgage loans, EMC, LLC n/k/a Emigrant Residential, LLC and ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC.

5. Emigrant is authorized to commence this action on behalf of the foregoing entities, who are the owners of the loans in the pending mortgage foreclosure matters, involving real property located in the State of New Jersey, identified in Exhibit "A" attached hereto.

6. The mortgage foreclosure actions identified in Exhibit "A" are referred to as the "Subject Foreclosure Matters" and the defendants identified in such actions are referred to as the "Foreclosure Defendants." In each of the Subject Foreclosure Matters, Emigrant was the originating lender.

7. In U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the New Jersey Supreme Court held that a Notice of Intent to Foreclose ("NOI") must strictly comply with the Fair Foreclosure Act, including N.J.S.A 2A:50-56(c)(11) which requires the NOI to contain the name and address of the mortgagee and a telephone number of a representative of the mortgagee.

8. On April 4, 2012, the Supreme Court of New Jersey issued an Order in which the Hon. Paul Innes, P.J.Ch., Mercer Vicinage, and Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, were empowered to entertain summary actions by Order 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 yet been entered, who served NOIs that are deficient under N.J.S.A. 2A:50-56, should

not be allowed to serve corrective NOIs on the defendant mortgagors and/or parties obligated on the debt. A copy of said Order is attached hereto as Exhibit "B."

9. Among Emigrant's pending foreclosure actions in the State of New Jersey, the NOIs sent to the Foreclosure Defendants in the Subject Foreclosure Matters may be deficient under and not in strict compliance with the Fair Foreclosure Act.

10. For some of the Subject Foreclosure Matters, the NOIs sent to the Foreclosure Defendants identified the name, but not the address, of the lender, only identifying the name and address of the servicer, Emigrant. Additionally, some of the NOIs misidentified the lender, inaccurately referring to EMC, LLC as "EMC-LLC." For others, only the name and address of the servicer, Emigrant, was identified. However, for all of the Subject Foreclosure Matters, the addresses of the lender and servicer were the same at the time the original NOIs were mailed. Nevertheless, the NOIs sent to the Foreclosure Defendants in the Subject Foreclosure Matters may therefore be deficient under N.J.S.A 2A:50-56(c)(11).

11. Each of the Subject Foreclosure Matters, in light of being uncontested residential mortgage foreclosure actions filed on or before February 27, 2012 in which final judgment has not yet been entered, falls within the purview of the April 4, 2012 Order of the New Jersey Supreme Court. This action is being filed in accordance with the procedure set forth by the Court in said Order.

12. To comply with the April 4, 2012 Order of the New Jersey Supreme Court, in the event this Court enters judgment in favor of Emigrant as requested herein,

attached hereto as Exhibit "C" is the proposed form NOI, compliant with N.J.S.A. 2A:50-56, that Emigrant seeks to send to the Foreclosure Defendants.

13. To further comply with said Order, in the event this Court enters judgment in favor of Emigrant as requested herein, attached hereto as Exhibit "D" is the proposed form of an explanatory letter ("Explanatory Letter") that Knuckles, Komosinski & Elliott, LLP, on behalf of Emigrant, will send to the Foreclosure Defendants with the corrective NOI. The Explanatory Letter sets forth, among other things, why the corrective NOI is being issued, the procedure to follow in the event the Foreclosure Defendant wishes to object to the NOI, and the individual the Foreclosure Defendants should contact with any questions. The Explanatory Letter also notifies the Foreclosure Defendants of the right to object to the corrective NOI, as well as the right to cure the default within 30 days of the date of the corrective NOI.

**WHEREFORE**, Emigrant Mortgage Company, Inc. respectfully requests that this Court enter judgment in its favor as follows:

1. Deeming the form NOI attached as Exhibit "C" hereto compliant with the requirements of the Fair Foreclosure Act;
2. Permitting Emigrant, through its designee, Knuckles, Komosinski & Elliott, LLP, to serve new NOIs, in the form attached as Exhibit "C" hereto, to the Foreclosure Defendants, along with the Explanatory Letter in the form attached hereto as Exhibit "D"; and
3. For such other and further relief as this Court deems just, proper, and equitable.

Dated: July 8, 2013

**KNUCKLES, KOMOSINSKI & ELLIOTT, LLP.**  
Attorneys for Emigrant Mortgage Company, Inc.  
565 Taxter Road, Suite 590  
Elmsford, New York 10523

By: \_\_\_\_\_

  
DAVID V. MIGNARDI, ESQUIRE

**CERTIFICATION**

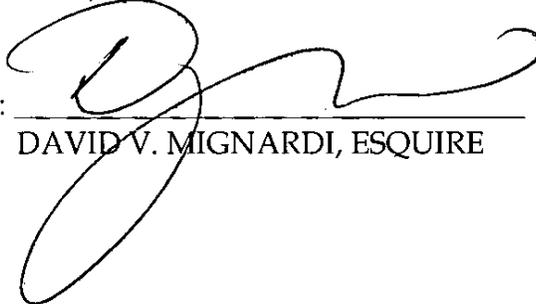
I certify pursuant to Rule 4:5-1 that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, other than the Subject Foreclosure Matters.

Dated: July 8, 2013

**KNUCKLES, KOMOSINSKI & ELLIOTT, LLP.**  
Attorneys for Emigrant Mortgage Company, Inc.  
565 Taxter Road, Suite 590  
Elmsford, New York 10523

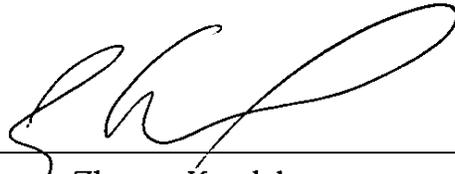
By: \_\_\_\_\_

DAVID V. MIGNARDI, ESQUIRE

A handwritten signature in black ink, appearing to read 'D. Mignardi', is written over a horizontal line. The signature is stylized and cursive.

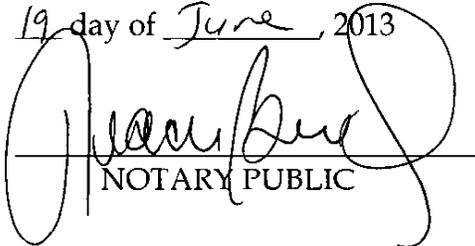
VERIFICATION

I, Zhanna Kandel, being duly sworn state: I am First Vice-President of Emigrant Mortgage Company, Inc., and I am authorized to execute this Verification. The allegations in this Verified Complaint are true and accurate to the best of my knowledge and belief; and the Exhibits attached to this Verified Complaint are true and accurate to the best of my knowledge and belief.



\_\_\_\_\_  
Name: Zhanna Kandel  
Title: First Vice-President

Sworn to before me this  
19 day of June, 2013



\_\_\_\_\_  
NOTARY PUBLIC

**TRACY BENITEZ**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BE6271405  
Qualified in New York County  
My Commission Expires October 29, 2016

A

**SCHEDULE OF FORECLOSURE MATTERS**

Order to Show Cause

| <u>Caption</u>   | <u>Docket No.</u>           | <u>Loan<br/>Origination<br/>Date</u> | <u>Date of<br/>Default</u> | <u>Date of<br/>NOI</u> | <u>Complaint<br/>Filed Date</u> | <u>Litigation</u> | <u>NOI Deficiencies</u>   |
|--|-----------------------------|--------------------------------------|----------------------------|------------------------|---------------------------------|-------------------|---|
|  |                             |                                      |                            |                        |                                 |                   |   |
| Emigrant Mortgage Company, Inc.<br>v. Maria Hensz, et al               | F-11789-10                  | 9/5/2007                             | 10/1/2009                  | 12/8/2009              | 2/22/2010                       | No                | NOI did not contain name or address of lender                           |
| Emigrant Mortgage Company, Inc.<br>v. Gary Lagomarsino, et al          | F-049725-10                 | 10/26/2005                           | 3/1/2010                   | 5/14/2010              | 10/7/2010                       | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Charles D. Layer, et al          | F-001002-12                 | 11/9/2009                            | 8/1/2010                   | 9/30/2010              | 1/18/2012                       | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Roberta Mauldin et al            | F-057972-10                 | 11/16/2007                           | 7/1/2010                   | 7/26/2010              | 11/16/2010                      | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Juana Monteagudo, et al          | F-052916-10                 | 5/16/2008                            | 7/1/2010                   | 7/21/2010              | 10/29/2010                      | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Manuel Morales, et al            | F-006745-11                 | 12/29/2008                           | 4/1/2010                   | 9/1/2010               | 8/10/2011                       | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Vincent Morelli, et al           | F-26536-10                  | 7/10/2007                            | 12/1/2009                  | 1/20/2010              | 5/12/2010                       | No                | NOI did not contain name or address of lender                           |
| Emigrant Mortgage Company, Inc.<br>v. Vitora Paljusevic, et al         | F-034795-10                 | 11/19/2004                           | 3/1/2010                   | 1/29/2010              | 7/8/2010                        | No                | NOI did not contain name or address of lender                           |
| Emigrant Mortgage Company, Inc.<br>v. Diony Perez, et al               | F-8863-11<br>(*2 mortgages) | 6/3/2004<br>4/25/2006                | 8/1/2010<br>9/1/2010       | 9/21/2010<br>12/1/2010 | 10/19/2011                      | No                | NOIs did not contain lender's address and misidentified names of lender |
| Emigrant Mortgage Company, Inc.<br>v. Pasquale Pontoriero, et al       | F-039159-10                 | 8/1/2005                             | 5/1/2010                   | 5/20/2010              | 8/12/2010                       | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Premier Acquisitions, LLC, et al | F-019653-10                 | 4/1/2008                             | 11/1/2009                  | 1/11/2010              | 3/30/2010                       | No                | NOI did not contain name or address of lender                           |
| Emigrant Mortgage Company, Inc.<br>v. Elaine C. Sheey, et al           | F-008862-11                 | 8/22/2008                            | 7/1/2010                   | 8/30/2010              | 10/19/2011                      | No                | NOI did not contain lender's address and misidentified name of lender   |
| Emigrant Mortgage Company, Inc.<br>v. Ronald Ujak, et al               | F-24624-10                  | 9/9/2005                             | 10/1/2009                  | 2/9/2010               | 4/26/2010                       | No                | NOI did not contain name or address of lender                           |
| Emigrant Mortgage Company, Inc.<br>v. Anne G. Ward, et al              | F-37752-10                  | 12/28/2005                           | 5/1/2010                   | 5/20/2010              | 8/4/2010                        | No                | NOI did not contain lender's address and misidentified name of lender   |

B

SUPREME COURT OF NEW JERSEY

In furtherance of the Court's holding in U.S. Bank N.A. v. Guillaume, A-11-11 (February 27, 2012), it is ORDERED that Hon. Paul Innes, P.J.Ch., Mercer Vicinage, and Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, are each authorized 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 yet been entered, who served Notices of Intention to Foreclose that are deficient under the Fall Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected Notices of Intention to Foreclose on defendant mortgagors and/or parties obligated on the debt. Such summary actions should be filed with the Clerk of the Superior Court and assigned to each judge upon filing.

It is FURTHER ORDERED that, if approved by the court, any corrected Notice of Intention to Foreclose served pursuant to an order issued as a result of such an action must be accompanied by a letter to the defendant mortgagor and/or parties obligated on the debt setting forth the reasons why the corrected Notice of Intention to Foreclose is being served, the procedure to follow in the event a defendant wishes to object to the Notice of Intention to Foreclose, the individuals to contact with any questions, and that the receipt of the corrected Notice of Intention to Foreclose allows defendant mortgagors and/or parties obligated on the debt 30 days in which to object or to cure the default.

It is FURTHER ORDERED that any Rule 4:64-1(a) or Rule 4:64-2(d) Certification of Diligent Inquiry filed by a plaintiff who has served a corrected Notice of Intention to

Foreclose pursuant to an order issued as a result of such summary action shall list therein with specificity the steps taken to cure the deficient Notice of Intention to Foreclose.

It is FURTHER ORDERED that the Office of Foreclosure is authorized to recommend the entry of final judgment pursuant to Rule 1:34-6 in uncontested actions in which the procedures set forth in this Order have been followed.

For the Court,



Chief Justice

Dated April 4, 2012

C

**[LETTERHEAD OF PLAINTIFF'S ATTORNEY]**

**VIA CERTIFIED AND REGULAR MAIL**

[DATE]

[BORROWER'S NAME] [BORROWER'S ADDRESS]

RE: Mortgage No.: [LOAN NO.]

Dear Mortgagor(s):

**NOTICE OF INTENTION TO FORECLOSE MORTGAGE**

**YOU SHOULD READ THIS DOCUMENT IMMEDIATELY!**

Notice is hereby given that the mortgage made by Emigrant Mortgage Company, Inc., the current holder and servicer of the mortgage loan described below, and assigned to [PLAINTIFF], the current owner of and lender under such mortgage loan, as identified below in Paragraph 1 is in default. Notice is being sent to you because the records of Emigrant Mortgage Company, Inc., the servicer of this loan, show that you are a person obligated to pay the obligation secured by the mortgage.

Emigrant Mortgage Company, Inc. intends to accelerate the maturity (due date) of the mortgage obligation and commence legal action, including foreclosure to take possession of the property and obtain a deficiency judgment against you, if allowed by applicable law and the facts of this matter.

This notice is being sent to you pursuant to Section 4 of the Fair Foreclosure Act. The information you are hereby put on notice of is as follows:

1(a). **The Obligation.** The particular obligation is a certain Adjustable Rate Note dated [LOAN DATE] given by [MORTGAGOR] to Emigrant Mortgage Company, Inc. and assigned to [PLAINTIFF] in the principal sum of [LOAN AMOUNT] plus interest.

1(b). **Property to be Foreclosed.** The real estate given as security for the Adjustable Rate Note identified in Paragraph 1(a), above is:

Street Address: [ADDRESS]

City: [CITY]

State: New Jersey

Tax: Block: [BLOCK]

Lot: [LOT]

2. **Nature of Default.** The failure to make monthly payments of interest, principal, escrow payments, handling charges and late charges beginning

3. **Your Right to Cure the Default.** You have the right to cure the default as provided in Section 5 of the *Fair Foreclosure Act*. A copy of Section 5 of the *Fair Foreclosure Act* is attached to this letter.

4. **The Amount You Must Pay to Cure the Default.** In order to cure the default, you must pay to Emigrant Mortgage Company, Inc., on or before the date set forth in Paragraph 5, below the following sums of money:

|                 |     |   |
|-----------------|-----|---|
| Principal       | \$[ | ] |
| Interest        | \$[ | ] |
| Late Charges    | \$[ | ] |
| NG Charges      | \$[ | ] |
| Monthly Escrow  | \$[ | ] |
| Life Insurance  | \$[ | ] |
| Acc/Health Ins. | \$[ | ] |
| Total           | \$[ | ] |

This figure is the amount you must pay on [CURE DATE - 35 DAYS FROM DATE OF LETTER] to reinstate your mortgage loan. If you make the payment earlier than [CURE DATE - 35 DAYS FROM DATE OF LETTER], call Carlos Camacho at 212-850-4756 or 1-800-836-3752, ext. 4756 to find out the amount which must be paid on such earlier date.

By reason of your default and pursuant to the Default Interest Rate Rider to your loan documents, your loan has been accruing interest at the rate of [CURRENT INTEREST RATE] per year and this default interest rate shall continue until you cure the default.

5. **Timing of the Payment to Cure the Default.** In order to avoid the institution of foreclosure proceedings, you must pay the full amount set forth at Paragraph 4, above, no later than [CURE DATE - 35 DAYS FROM DATE OF LETTER], and the person to whom the payment shall be made is:

Carlos Camacho  
Emigrant Mortgage Company, Inc.  
5 East 42nd Street  
New York, New York 10017

6. **Your Failure to Cure the Default.** If you do not cure the default by the date specified in Paragraph 5, above, Emigrant Mortgage Company, Inc. may take steps to terminate your ownership in the property by commencing a foreclosure suit in a court of competent jurisdiction. Should a foreclosure suit be commenced, you will have the right to assert in the foreclosure proceedings the non-existence of a default or any other defense you may have to the acceleration or foreclosure.

7. **Additional Costs and Expenses You May Have to Pay.** If Emigrant Mortgage Company, Inc. takes steps as described in Paragraph 6, above, you shall have the right to cure the default pursuant to Section 5 of the *Fair Foreclosure Act*, but you shall be responsible for Emigrant Mortgage Company, Inc.'s court costs and attorneys fees in an amount not to exceed that amount permitted pursuant to the rules governing the courts of the State of New Jersey.

8. **Transferring the Property.**

If this box is checked, you do NOT have the right to transfer the property described in Paragraph 1 to another person subject to the lender's mortgage.

If this box is checked, you DO have the right to transfer the property described in Paragraph I to another person subject to the lender's mortgage.

9. **You Should Confer With a Lawyer.** You are advised to seek counsel from an attorney of your own choosing concerning your residential mortgage default situation. If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association or Lawyer Referral Service in the County in which the property securing the mortgage loan is located. If you are unable to afford an attorney, you may communicate with the Legal Services Office in the County in which the property is located. Attached to this letter is a statewide list of the Lawyer Referral Services and Legal Services Offices for each County, and the address and phone number of the New Jersey Bar Association.

10. **Possible Assistance.** You may be eligible for financial assistance for curing a default from programs operated by the State of New Jersey or the Federal Government or non-profit organizations. You may obtain the identity of any such programs or organizations from the State of New Jersey Commissioner of Banking at the following address and phone number:

Steven M. Goldman, Commissioner  
Division of Banking  
P.O. Box 040  
Trenton, New Jersey 08625  
(609) 292-7272

ii. **Person You Should Contact At Emigrant.** If you disagree with Emigrant Mortgage Company, Inc.'s assertion that a default has occurred or the correctness of Emigrant Mortgage Company, Inc.'s calculation of the amount required to cure the default, you may contact the following authorized representative of the lender:

Carlos Camacho  
Emigrant Mortgage Company, Inc.  
5 East 42nd Street  
New York, New York 10017  
212-850-4756 or 1-800-836-3752, ext. 4756

Who is the representative of *[Plaintiff]*  
5 East 42nd Street

New York, New York 10017

Partial payments may be credited to your account but will not cure outstanding defaults or affect [Plaintiff's] right to pursue the remedies referenced above. This letter is written without waiver of, or prejudice to, any of [Plaintiff's] rights or remedies.

**Payment must be made in the form of a money order, personal check, or bank check. Business checks will not be accepted.**

Very truly yours,

2A:50-57. Right to cure default; procedures

a. Notwithstanding the provisions of any other law to the contrary, as to any residential mortgage for which a notice of intentions to foreclose is required to be given pursuant to section 4 of this act(i), whether or not such required notice was in fact given, the debtor, or anyone authorized to act on the debtor's behalf, shall have the right at any time, up to the entry of final judgment or the entry by the office or the court of an order of redemption pursuant to subsection g. of section 11 of this act(ii), to cure the default, de-accelerate and reinstate the residential mortgage by tendering the amount or performance specified in subsection b. of this section. The payment or tender shall be made to the person designated in the notice pursuant to paragraph (5) of subsection c. of section 4 of this act. The debtor may exercise the right to cure a default as to a particular mortgage and reinstate that mortgage only once every 18 months, provided, however, that this limitation shall not apply if the mortgage debtor cures a default by the date specified in paragraph (5) of subsection c. of section 4 of this act. The 18-month time period shall run from the date of cure and reinstatement.

b. To cure a default under this section, a debtor shall:

(1) pay or tender to the person identified pursuant to paragraph (5) of subsection c. of section 4 of this act, in the form of cash, cashier's check, or certified check, all sums which would have been due in the absence of default, at the time of payment or tender;

(2) perform any other obligation which the debtor would have been bound to perform in the absence of the default or the exercise of acceleration clause, if any;

(3) pay or tender court costs, if any, and attorneys' fees in an amount which shall not exceed the amount permitted under the Rules Governing the Courts of the State of New Jersey; and

(4) pay all contractual late charges, as provided for in the note or security agreement.

c. To cure a default under this section, a debtor shall not be required to pay any charge, fee or penalty attributable to the exercise of the right to cure a default as provided for in this act.

d. Cure of a default reinstates the debtor to the same position as if the default had not occurred. It nullifies, as of the date of cure, any acceleration of any obligation under the mortgage, note or bond arising from the default.

e. If a default is cured prior to the filing of a foreclosure action, the lender shall not institute a foreclosure action for that default. If a default is cured after the filing of a foreclosure action, the lender shall give written notice of the cure to the court. Upon such notice, the court shall dismiss the action without prejudice.

f. The right to cure a default under this section is independent of any right of redemption or any other right or remedy under the common law, principles of equity, State or federal statute, or rule of court.

L.1995,c.244,s.5.

(i). NISA.s.2A:50-56

(ii). NISA.s.2A:50-63

## *Lists of Entities Providing Assistance*

| <b>Fair Foreclosure Act Notice of Intention to Foreclose - List of Entities Providing Assistance</b>   |  |  |
|--|--|--|
| The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.   |  |  |
| <b>American Credit Alliance, Inc.</b><br>26 S. Warren St.<br>Trenton, NJ 08608<br>609-393-5400   | <b>Atlantic Human Resources, Inc.</b><br>1 S. New York Ave.<br>Atlantic City, NJ 08401<br>609-348-4131                         | <b>Citizen Action (Offices statewide)</b><br>400 Main Street<br>Hackensack, NJ 07601<br>1-800-NJ Owner<br>201-488-2804       |
| <b>Consumer Credit Counseling Service of Central New Jersey</b><br>1931 Nottingham Way<br>Hamilton, NJ 08619<br>609-586-2574   | <b>Consumer Credit Counseling Service of Central New Jersey</b><br>253 Nassau Street<br>Princeton, NJ 08540<br>609-924-2896    | <b>Consumer Credit Counseling Service of New Jersey</b><br>185 Ridgedale Ave.<br>Cedar Knolls, NJ 07927-1812<br>973-267-4324 |
| <b>Fair Housing Council of Northern New Jersey</b><br>131 Main St.<br>Hackensack, NJ 07601<br>201-489-3552   | <b>Garden State Consumer Credit Counseling, Inc.</b><br>225 Willowbrook Road<br>Freehold, NJ 07728<br>1-800-992-4357           | <b>Housing Coalition of Central Jersey</b><br>78 New Street<br>New Brunswick, NJ 08901<br>732-249-9700                       |
| <b>Jersey Counseling &amp; Housing Development, Inc.</b><br>29 S. Blackhorse Pike<br>Blackwood, NJ 08012<br>856-227-3683   | <b>Jersey Counseling &amp; Housing Development, Inc.</b><br>1840 S. Broadway<br>Camden, NJ 08104<br>856-541-1000               | <b>Mercer County Hispanic Association</b><br>200 E. State St., 2nd Floor<br>Trenton, NJ 08607<br>609-392-2446                |
| <b>Middlesex County Economic Opportunities Corporation</b><br>1215 Livingston Ave.<br>North Brunswick, NJ 08902<br>732-790-3344  | <b>Monmouth County Human Services Housing Services Unit</b><br>P.O. Box 3000<br>Freehold, NJ 07728<br>732-431-7998             | <b>Morris County Fair Housing Council</b><br>65 Spring Street<br>Morristown, NJ 07963<br>973-538-2975                        |
| <b>NJ Citizen Action (main office/financial education center)</b><br>744 Broad St., Suite 2080<br>Newark, NJ 07102<br>973-643-8800<br>1-800-NJ-OWNER (loan counseling)<br>1-888-TAXES-11 (free tax preparation assistance) | <b>NJ Citizen Action (Central Jersey)</b><br>85 Raritan Ave., Suite 100<br>Highland Park, NJ 08904<br>732-246-4772             | <b>NJ Citizen Action (South Jersey)</b><br>2 Riverside Drive, Suite 362<br>Camden, NJ 08103<br>856-966-3091                  |
| <b>Ocean Community Economic Action Now, Inc.</b><br>22 Hyers St.<br>Toms River, NJ 08753-0773<br>732-244-2351, ext. 2  | <b>Ocean Community Economic Action Now, Inc.</b><br>10 Washington Street<br>Toms River, NJ 08753-0773<br>732-244-2351, ext. 14 | <b>Paterson Coalition for Housing, Inc.</b><br>262 Main St., 5th Floor<br>Paterson, NJ 07505<br>973-684-5998                 |
| <b>Paterson Task Force for Community Action, Inc.</b><br>155 Ellison St.<br>Paterson, NJ 07505<br>973-279-2333   | <b>Puerto Rican Action Board Housing Coalition Unit</b><br>90 Jersey Ave.<br>New Brunswick, NJ 08903<br>732-249-9700           | <b>Tri-County Community Action Agency, Inc.</b><br>110 Cohansey St.<br>Bridgeton, NJ 08302<br>856-451-6330                   |
| <b>Urban League for Bergen County</b><br>106 W. Palisade Ave.<br>Englewood, NJ 07631<br>201-568-4988   | <b>Urban League for Essex County</b><br>508 Central Ave.<br>Newark, NJ 07101<br>973-624-9535                                   | <b>Urban League of Union County</b><br>288 N. Broad St.<br>Elizabeth, NJ 07208<br>908-351-7200                               |
| <b>Homelessness Prevention Program</b><br>New Jersey Department of Community Affairs<br>(866) 889-6270*  |  |  |

## Court/Clerk/Legal Offices

Directory of Superior Court Deputy Clerk's Offices; County Lawyer Referral & Legal Services Offices

|   |   |   |  |
|---|---|---|--|
| <p><b>ATLANTIC COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Division, Direct Filing<br/>1201 Bacharach Blvd., First Fl.<br/>Atlantic City, NJ 08401<br/><b>LAWYER REFERRAL</b><br/>(609) 345-3444<br/><b>LEGAL SERVICES</b><br/>(609) 348-4200</p>                                    | <p><b>CUMBERLAND COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Case Management Office<br/>Broad &amp; Fayette Sts.<br/>P.O. Box 10<br/>Bridgeton, NJ 08302<br/><b>LAWYER REFERRAL</b><br/>(856) 692-6207<br/><b>LEGAL SERVICES</b><br/>(856) 451-0003</p>                                      | <p><b>MERCER COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Local Filing Office, Courthouse<br/>175 S. Broad Street, P.O. Box 8068<br/>Trenton, NJ 08650<br/><b>LAWYER REFERRAL</b><br/>(609) 585-6200<br/><b>LEGAL SERVICES</b><br/>(609) 695-6249</p>                                 | <p><b>SALEM COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>92 Market Street<br/>P.O. Box 29<br/>Salem, NJ 08079<br/><b>LAWYER REFERRAL</b><br/>(856) 678-8363<br/><b>LEGAL SERVICES</b><br/>(856) 451-0003</p>   |
| <p><b>BERGEN COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Division, Room 115<br/>Justice Center, 10 Main St.<br/>Hackensack, NJ 07601<br/><b>LAWYER REFERRAL</b><br/>(201) 488-0044<br/><b>LEGAL SERVICES</b><br/>(201) 487-2166</p>  | <p><b>ESSEX COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Customer Service<br/>Hall of Records, Room 201<br/>465 Dr. Martin Luther King Jr. Blvd.<br/>Newark, NJ 07102<br/><b>LAWYER REFERRAL</b><br/>(973) 622-6204<br/><b>LEGAL SERVICES</b><br/>(973) 624-4500</p>                          | <p><b>MIDDLESEX COUNTY:</b><br/>Deputy Clerk of the Superior Court,<br/>Middlesex Vicinago<br/>2nd Floor - Tower<br/>56 Paterson Street, P.O. Box 2655<br/>New Brunswick, NJ 08903-2633<br/><b>LAWYER REFERRAL</b><br/>(732) 828-0053<br/><b>LEGAL SERVICES</b><br/>(732) 249-7600</p>          | <p><b>SOMERSET COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Division<br/>P.O. Box 3000<br/>40 North Bridge Street<br/>Somerville, N.J. 08876<br/><b>LAWYER REFERRAL</b><br/>(908) 685-2323<br/><b>LEGAL SERVICES</b><br/>(908) 231-0840</p>                                    |
| <p><b>BURLINGTON COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Central Processing Office<br/>Attn: Judicial Intake<br/>First Fl., Courts Facility<br/>49 Rancocas Rd.<br/>Mt. Holly, NJ 08060<br/><b>LAWYER REFERRAL</b><br/>(609) 261-4862<br/><b>LEGAL SERVICES</b><br/>(800) 496-4570</p> | <p><b>GLOUCESTER COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Case Management Office<br/>Attn: Intake<br/>First Fl., Court House<br/>1 North Broad Street, P.O. Box 750<br/>Woodbury, NJ 08096<br/><b>LAWYER REFERRAL</b><br/>(856) 848-4589<br/><b>LEGAL SERVICES</b><br/>(856) 848-5360</p> | <p><b>MONMOUTH COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Court House<br/>71 Monument Park<br/>P.O. Box 1269<br/>Freehold, NJ 07728-1269<br/><b>LAWYER REFERRAL</b><br/>(732) 431-5544<br/><b>LEGAL SERVICES</b><br/>(732) 866-0020</p>   | <p><b>SUSSEX COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Sussex County Judicial Center<br/>43-47 High Street<br/>Newton, NJ 07860<br/><b>LAWYER REFERRAL</b><br/>(973) 267-5882<br/><b>LEGAL SERVICES</b><br/>(973) 383-7400</p>  |
| <p><b>CAMDEN COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Processing Office<br/>Hall of Justice<br/>1st Fl., Suite 150<br/>101 South 5th Street<br/>Camden, NJ 08103<br/><b>LAWYER REFERRAL</b><br/>(856) 964-4520<br/><b>LEGAL SERVICES</b><br/>(856) 964-2010</p>                   | <p><b>HUDSON COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Superior Court, Civil Records Dept.<br/>Brennan Court House--1st Floor<br/>583 Newark Ave.<br/>Jersey City, NJ 07306<br/><b>LAWYER REFERRAL</b><br/>(201) 798-2727<br/><b>LEGAL SERVICES</b><br/>(201) 792-6363</p>                       | <p><b>MORRIS COUNTY:</b><br/>Morris County Courthouse<br/>Civil Division<br/>Washington and Court Streets<br/>P. O. Box 910<br/>Morristown, NJ 07963-0910<br/><b>LAWYER REFERRAL</b><br/>(973) 267-5882<br/><b>LEGAL SERVICES</b><br/>(973) 285-6911</p>  | <p><b>UNION COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>1st Fl., Court House<br/>2 Broad Street<br/>Elizabeth, NJ 07207-6073<br/><b>LAWYER REFERRAL</b><br/>(908) 353-4715<br/><b>LEGAL SERVICES</b><br/>(908) 354-4340</p>   |
| <p><b>CAPE MAY COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>9 N. Main Street<br/>Capo May Court House, NJ 08210<br/><b>LAWYER REFERRAL</b><br/>(609) 463-0313<br/><b>LEGAL SERVICES</b><br/>(609) 465-3001</p>  | <p><b>HUNTERDON COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Division<br/>65 Park Avenue<br/>Flemington, NJ 08822<br/><b>LAWYER REFERRAL</b><br/>(908) 735-2611<br/><b>LEGAL SERVICES</b><br/>(908) 782-7979</p>  | <p><b>OCEAN COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>118 Washington Street, Room 121<br/>P.O. Box 2191<br/>Toms River, NJ 08754-2191<br/><b>LAWYER REFERRAL</b><br/>(732) 240-3666<br/><b>LEGAL SERVICES</b><br/>(732) 341-2727<br/>Rev. 10/2008, CN 10153-English<br/>Page 3</p> | <p><b>WARREN COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Division Office<br/>Court House<br/>413 Second Street<br/>Belvidere, NJ 07823-1500<br/><b>LAWYER REFERRAL</b><br/>(973) 267-5882<br/><b>LEGAL SERVICES</b><br/>(908) 475-2010<br/>Rev. 10/2008, CN 10153-English</p> |
|   |   | <p><b>PASSAIC COUNTY:</b><br/>Deputy Clerk of the Superior Court<br/>Civil Division<br/>Court House<br/>77 Hamilton Street<br/>Paterson, NJ 07505<br/><b>LAWYER REFERRAL</b><br/>(973) 278-9223<br/><b>LEGAL SERVICES</b><br/>(973) 523-2900</p>  |  |

SCHEDULE

LIST OF NEW JERSEY STATE BAR ASSOCIATION  
LAWYER REFERRAL SERVICES OR LEGAL SERVICES OFFICES

New Jersey Bar Association - Tel. 908-249-5000

| <u>LAWYER REFERRAL SERVICES</u>   | <u>TELEPHONE NO.</u> |
|-----------------------------------|----------------------|
| Atlantic County Bar Association   | 609-345-3444         |
| Bergen County Bar Association     | 201-488-0044         |
| Burlington County Bar Association | 609-261-4862         |
| Camden County Bar Association     | 856-964-4520         |
| Cape May County Bar Association   | 609-463-0313         |
| Cumberland County Bar Association | 856-692-6207         |
| Essex County Bar Association      | 973-622-6207         |
| Gloucester County Bar Association | 856-848-4589         |
| Hudson County Bar Association     | 201-798-2727         |
| Hunterdon County Bar Association  | 908-735-2611         |
| Mercer County Bar Association     | 609-890-6200         |
| Middlesex County Bar Association  | 732-828-0053         |
| Monmouth County Bar Association   | 732-431-5544         |
| Morris County Bar Association     | 973-267-5882         |
| Ocean County Bar Association      | 732-240-3666         |
| Passaic County Bar Association    | 973-278-9223         |
| Salem County Bar Association      | 856-678-8363         |
| Somerset County Bar Association   | 908-685-2323         |
| Sussex County Bar Association     | 973-267-5882         |
| Union County Bar Association      | 908-353-4715         |
| Warren County Bar Association     | 973-267-5882         |

LEGAL SERVICES OFFICE

TELEPHONE NO

|                   |              |
|-------------------|--------------|
| Atlantic County   | 609-348-4200 |
| Bergen County     | 201-487-2166 |
| Burlington County | 609-261-1088 |
| Camden County     | 856-964-1002 |
| Cape May County   | 609-465-3001 |
| Cumberland County | 856-451-0003 |
| Essex County      | 973-624-4500 |
| Gloucester County | 856-848-5360 |
| Hudson County     | 201-792-6363 |
| Hunterdon County  | 908-782-7979 |
| Mercer County     | 609-695-6249 |
| Middlesex County  | 732-249-7600 |
| Monmouth County   | 732-747-7400 |
| Morris County     | 973-285-6911 |
| Ocean County      | 732-341-2727 |
| Passaic County    | 973-345-7171 |
| Salen County      | 856-451-0003 |
| Somerset County   | 908-231-0840 |
| Sussex County     | 973-383-7400 |
| Union County      | 908-354-4340 |
| Warren County     | 973-475-2010 |

Legal Services of New Jersey, Inc. - Tel. 908-246-0770

NO GUARANTEE AS TO THE ACCURACY OF THE TELEPHONE NUMBERS  
SET FORTH ABOVE IS ASSUMED OR IMPLIED  
PLEASE CHECK YOUR TELEPHONE DIRECTORY

D

Form Letter to be Attached to Corrective NOIs Pursuant to an Order to Show Cause

*[Letterhead of Plaintiff's Attorney]*

*[Date]*

*[Defendant Name(s)]*

*[Defendant Address]*

*[Defendant City, State ZIP]*

Re: Order to Show Cause – *[Caption and Docket Number of Order to Show Cause]*  
Your Foreclosure Action – *[Caption and Docket Number of Defendant's Foreclosure Action]*

Dear [Defendant Name(s)]

Please be advised that the New Jersey Supreme Court recently held in *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012), that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act's requirement that a Notice of Intention to Foreclose set forth the name and address of the lender.

**Why You Are Receiving This Letter**

You are receiving this letter because you are the defendant in a pending foreclosure action, and it is believed that the Notice of Intention to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act. Specifically, the Notice of Intention to Foreclose served upon you may have identified the name, but not the address, of the lender or may have only identified the name and address of the servicer of the subject loan. The Notice of Intention to Foreclose served upon you may have also inaccurately referred to EMC, LLC as "EMC-LLC."

By the court's Order to Show Cause dated *[month] [day]*, 2013, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, the Hon. Margaret Mary McVeigh, P. J. Ch., Passaic Vicinage, gave permission to Emigrant Mortgage Company, Inc. to serve, along with the Order to Show Cause and Verified Complaint, corrective Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012 in which Emigrant Mortgage Company, Inc. is named the plaintiff.

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

Enclosed with this letter are copies of the Order to Show Cause and Verified Complaint. The Verified Complaint identifies the following lenders:

**EMC, LLC n/k/a Emigrant Residential, LLC**

**ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC**

The attachments to the 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 website at <http://www.judiciarystatenj.us/>. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website in the attached exhibits to the Verified Complaint by entering your name on the automatic search field on the court's website. If you do not have access to a computer or have trouble locating that information on the court's website you can contact plaintiff's attorney, Knuckles, Komosinski & Elliott, LLP, at (914) 345-3020 who can assist you in locating the information about your foreclosure.

### **Information About the Corrective Notice of Intention to Foreclose**

Also enclosed with this letter is the corrective Notice of Intention to Foreclose. It allows you an additional 30 days in which to cure the default without having to pay the plaintiffs 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 corrective Notice of Intention to Foreclose, the foreclosure action against you will proceed.

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 corrective Notice of Intention to Foreclose lists the name and address of the current lender on your loan.

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

Should you have questions with regard to your loan or the corrective Notice of Intention to Foreclose, please contact Emigrant Mortgage Company, Inc. at (212) 850-4756 or 1-800-836-3752, ext. 4756. Additional contact information is provided in the corrective Notice of Intention 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 corrective Notice of Intention 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 corrective Notice of Intention to Foreclose. To do so, you must file a written objection under the docket number for the foreclosure action in your individual case.

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 within 30 days:

Supreme 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, Knuckles, Komosinski & Elliott, LLP, at 565 Taxter Road, Suite 590, Elmsford, NY 10523, and mail a copy of the objection to Judge McVeigh at Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 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 procedures for filing an objection, please visit the New Jersey Courts on-Line Self-Help Center at <http://www.judiciarystatenj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at [SCCOForeclosureMailbox@judiciarystatenj.us](mailto:SCCOForeclosureMailbox@judiciarystatenj.us).

# KNUCKLES, KOMOSINSKI & ELLIOTT LLP ATTORNEYS AT LAW

565 Taxter Road, Suite 590, Elmsford, NY 10523  
Tel: 914.345.3020 • Fax: 914.366.0080  
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Mark R. Knuckles  
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Peter L. Elliott  
Kenneth J. Flickinger

Karen B. Olson\*  
Jordan J. Manfro\*\*  
Fincey John†  
Robert T. Yusko\*  
Frank Badalato  
Michel Lee†  
Stephen M. Forte\*\*  
Allison J. Marden  
Sinead J. Daly  
David V. Mignardi  
Roshene A. Kemp  
Christopher Messina

Extension:326  
Email:alyssac@kkelaw.com

July 12, 2013

**Via Overnight Mail**

Superior Court of New Jersey  
Court Clerk Michele Smith  
25 Market Street  
6<sup>th</sup> Floor North Wing  
Birmingham, NJ 08611

**RECEIVED**

**JUL 15 2013**

**SUPERIOR COURT  
CLERK'S OFFICE**

**Re: NOI Order to Show Cause**

Dear Ms. Smith:

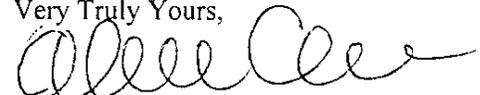
Please be advised this office represents Emigrant Mortgage Company, Inc. in the above referenced matter.

Enclosed please find Emigrant's Verified Complaint and Order to Show Cause along with two (2) checks in the amount of \$200.00 and \$30.00.

Kindly file the above and return a copy marked "filed" to my office in the enclosed reply envelope.

Please do not hesitate to contact the undersigned if you have any questions or require any additional information.

Very Truly Yours,



Alyssa Catalano  
Paralegal

\* ALSO ADMITTED IN NJ  
\*\* ALSO ADMITTED IN CT  
† ALSO ADMITTED IN NJ and CT