

*Capital One  
Mortgage Payment 31063-1111  
7933 Preston Road  
Plano, TX 75024*

**RECEIVED**

**JAN 27 2014**

**SUPERIOR COURT  
CLERK'S OFFICE**

*January 24, 2014*

*Via Certified Mail, Return Receipt Requested & Regular Mail*

*Lawrence Guarino  
705 Stelle Avenue  
Plainfield, NJ 07060*

*Clerk of Superior Court  
Hughes Justice Complex  
PO Box 971  
Trenton, NJ 08625*

Re: Capital One, Mortgage Payment 31063-1111, 7933 Preston Road, Plano TX 75024  
Attn: Loss Mitigation, 1-877-230-8516  
Account Number 0553145228  
Mortgaged Property at 705 Stelle Avenue, Plainfield, NJ 07060

**NOTICE OF INTENTION TO ACCELERATE AND FORECLOSE  
(N.J.S.A. 2A:50-56)**

Dear Sir/Madam:

The Note you executed on 1/28/2004, which is secured by a mortgage on the above referenced property dated 1/28/2004, in the amount of **\$182,000.00** currently held by *Capital One N.A.* is in default, because we have not received the installment in the amount of **\$89,733.95**, due from the months of 1/1/2011.

### **RIGHT TO CURE DEFAULT**

You may cure your default by paying or tendering **\$89,733.95** within 30 days of the date of this notice. Plus any Mortgage payments and late charges, which become due during the Thirty (30) Day Period. Your payments must be mailed to Capital One, Mortgage Payment 31063-1111, 7933 Preston Road, Plano, TX 75024; Attention: Loss Mitigation, 1-(877) 230-8516.

### **FAILURE TO CURE**

If you do not cure the default by **February 24, 2014**, we may initiate foreclosure proceedings against you and take steps to terminate your ownership in the property by commencing a foreclosure suit in a court of competent jurisdiction.

### **RIGHT TO CURE AFTER FORECLOSURE COMMENCED**

In the event that we commence a foreclosure action against you, you will still have a right to cure the default prior to entry of the foreclosure judgment pursuant to Section 5 of the "Fair Foreclosure Act;" however, you will be responsible for our 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.

### **RIGHT TO TRANSFER OWNERSHIP**

In the event that you transfer the real estate to another person, the transfer is still subject to our rights in the mortgage covering the property. The new owner of the property may have the right to cure the default as provided in the "Fair Foreclosure Act," subject to the mortgage documents.

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

You are advised to seek counsel from an attorney of your own choosing concerning your 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 mortgaged premises is located. If you are unable to afford an attorney, you may communicate with the Legal Services in the county in which the mortgaged premises is located. These numbers are listed on the attached Schedule.

### **POSSIBLE FINANCIAL ASSISTANCE**

You are advised that there may be the possible availability of financial assistance for curing a default from programs operated by the State or federal government or non-profit organizations, if any, as identified by the Commissioner of Banking. Section 5 of the "Fair Foreclosure Act" provides that this requirement may be satisfied by attaching a list of such programs promulgated by the commissioner. Such a list is attached.

### **IF YOU DISAGREE WITH US**

If you disagree with our assertion that (1) a default has occurred or (2) the correctness of our calculation of the amount required to cure the default, you may contact Capital One, Mortgage Payment 31063-1111, 7933 Preston Road, Plano TX 75024, Attention: Loss Mitigation, 1-(877) 230-8516.

Very truly yours,

Capital One, N.A.

**PUBLIC NOTICE**

**BANKING  
DEPARTMENT OF BANKING AND INSURANCE  
DIVISION OF BANKING  
THE COMMISSIONER**

**Notice Under the Fair Foreclosure Act**

**List of Governmental and Non-Profit Entities That May Provide Financial Assistance or Counseling to Borrowers in Foreclosure**

Take notice that the Fair Foreclosure Act, N.J.S.A. 2A:50-53 et seq., requires a creditor to give the debtor notice of intention to take action 30 days before commencing a foreclosure. The notice must clearly and conspicuously state the possible availability of financial assistance for curing a default through programs operated by the State or Federal government or non-profit organizations, if any, as identified by the Commissioner of Banking and Insurance. The Act further provides that this requirement may be satisfied by attaching a list of such programs promulgated by the Commissioner.

Following is a list of these programs. The Department intends to publish this list annually. If you have information regarding any necessary additions or changes to this list, please contact the following office:

Office of Consumer Finance  
Department of Banking and Insurance  
Division of Banking  
P.O. Box 040 Trenton, NJ 08625

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure. It is recommended that you consult with your attorney.

Homelessness Prevention Program  
New Jersey Department of Community Affairs  
(609) 633-6204\*

\*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.

American Credit Alliance, Inc.  
26 South Warren Street  
Trenton, NJ 08608  
(609) 393-5400

Citizen Action (Offices statewide)  
400 Main Street  
Hackensack, NJ 07601  
1-800-NJ OWNER  
(201) 488-2804

Consumer Credit Counseling Service of New Jersey  
185 Ridgedale Avenue  
Cedar Knolls, NJ 07927-1812  
(973) 267-4324

Garden State Consumer Credit Counseling, Inc.  
225 Willowbrook Road  
Freehold, NJ 07728  
1-800-992-4557

Jersey Counseling & Housing Development, Inc.  
29 South Blackhorse Pike  
Blackwood, NJ 08012  
(856) 227-3683

Mercer County Hispanic Association  
200 E. State Street - 2nd Floor  
Trenton, NJ 08607  
(609) 392-2446

Monmouth County Human Services  
Housing Services Unit  
P.O. Box 3000 Freehold, NJ 07728  
(732) 431-7998

Ocean Community Economic Action Now, Inc.  
10 Washington Street  
Toms River, NJ 08753-0773  
(732) 244-2351, ext. 14

Paterson Task Force for Community Action, Inc.  
155 Ellison Street  
Paterson, NJ 07505  
(973) 279-2333

Urban League for Bergen County  
106 West Palisade Avenue  
Englewood, NJ 07631  
(201) 568-4988

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

Consumer Credit Counseling Service of Central New Jersey  
253 Nassau Street  
Princeton, NJ 08540  
(609) 924-2896

Fair Housing Council of Northern New Jersey  
131 Main Street  
Hackensack, NJ 07601  
(201) 489-3552

Housing Coalition of Central Jersey  
78 New Street  
New Brunswick, NJ 08901  
(732) 249-9700

Jersey Counseling & Housing Development, Inc.  
1840 South Broadway  
Camden, NJ 08104  
(856) 541-1000

Middlesex County Economic Opportunities Corporation  
1215 Livingston Avenue  
North Brunswick, NJ 08902  
(732) 846-6600, ext. 226

Morris County Fair Housing Council  
65 Spring Street  
Morristown, NJ 07963  
(973) 538-2975

Paterson Coalition for Housing, Inc.  
262 Main Street, 5th Floor  
Paterson, NJ 07505  
(973) 684-5998

Tri-County Community Action Agency, Inc.  
110 Cohansey Street  
Bridgeton, NJ 08302  
(856) 451-6330

UNLESS YOU NOTIFY US IN WRITING WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS LETTER THAT THE DEBT, OR ANY PART OF IT, IS DISPUTED, WE WILL ASSUME THAT THE DEBT IS VALID. IF YOU DO NOT NOTIFY US OF A DISPUTE, WE WILL OBTAIN VERIFICATION OF THE DEBT AND MAIL IT TO YOU. ALSO UPON YOUR WRITTEN REQUEST WITHIN THIRTY (30) DAYS, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

McCABE, WEISBERG & CONWAY, P.C.  
216 Haddon Avenue - Suite 303  
Westmont, New Jersey 08108  
(856) 858-7080  
Attorneys for Plaintiff  
Matter No. 348-0152 - 19776

Filed Jan 02, 2014  
Paul Innes, P.J.Ch

<b>IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY CAPITAL ONE, N.A.</b>	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY  Docket No. F-044169-13  Civil Action  <b>ORDER TO SHOW CAUSE TO PROCEED SUMMARILY PURSUANT TO R. 4:67-2</b>
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**THIS MATTER** being brought before the Court by the law firm of McCabe, Weisberg & Conway, P.C., attorneys for Plaintiff, Capital One, N.A., seeking relief by way of summary action as set forth in Chief Justice Stuart Rabner's April 4, 2012 Order and, based upon the facts set forth in the Verified Complaint filed herewith; and the Court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2; and for good cause shown;

**IT IS** on this 2nd day of January, 2014,

**ORDERED** that the parties in interest listed in Exhibit C to the Verified Complaint, appear and show cause on the 20th day of March, 2014 before the Honorable Judge Innes, P.J.Ch., Superior Court, Mercer County, Chancery Division, at the Mercer County Civil Courts Building, 175 South Broad Street, P.O. Box 8068, Trenton, NJ 08650-0068 10:00 o'clock a.m. , why an Order should not be entered as follows:

- A. Allowing Plaintiff to send new Notices of Intention to Foreclose, giving the borrower(s) at least thirty (30) days from the date the letter is mailed to cure the default on the mortgage without having to pay legal fees or costs; and
- B. Granting such other relief as the Court deems equitable and just.

**IT IS FURTHER ORDERED** that:

1. Plaintiff shall serve a copy of this Order to Show Cause and Verified Complaint (without exhibits) upon all individuals obligated on the Note secured by a Mortgage on residential property that is the borrower's, or their immediate family's principal residence. Service shall be effectuated by certified mail, return receipt requested, and regular mail to the property address and the last known address (if different) in Plaintiff's records.
2. A copy of this Order to Show Cause and Verified Complaint shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>.
3. A true copy of this Order to Show Cause and Verified Complaint (without exhibits) shall be served upon the borrowers listed in Exhibit C to the Verified Complaint by certified mail, return receipt requested, (or by registered mail, return receipt requested, with respect to any borrower listed in Exhibit C to the Verified Complaint who resides outside the United States) and regular mail. All other interested parties shall be served by publication as outlined in this Order.
4. Along with this Order to Show Cause, Plaintiff may serve the corrective Notice of Intention to Foreclose allowing the borrower at least thirty (30) days to cure the default

on the subject mortgage without having to pay attorneys' fees or costs, in a form as set forth in Exhibit "A" of the Verified Complaint. Plaintiff shall also serve a Cover Letter in the form set forth in Exhibit "B" of the Verified Complaint.

a. For any borrower in an active Bankruptcy case where the provisions of the automatic stay are still in place, Plaintiff may serve a copy of this Order to Show Cause and Verified Complaint but may choose to delay serving a corrective Notice of Intention to Foreclose until such time that the stay is vacated, if it believes that doing so will violate the automatic stay.

b. If the Court grants final relief on the return date of this Order to Show Cause and Plaintiff has not already sent a corrective Notice of Intention to Foreclose, Plaintiff shall serve the corrective Notice of Intention to Foreclose once the provisions of the automatic stay in the bankruptcy case are no longer in place. In the alternative, Plaintiff may apply to the United States Bankruptcy Court for relief from the provisions of the automatic stay to effectuate service of the corrective Notice of Intention to Foreclose, pursuant to this Order.

c. In the event that Plaintiff does not serve a corrective Notice of Intention to Foreclose with this Order to Show Cause, Plaintiff may not proceed with a foreclosure action until such Notice of Intention to Foreclose is served as authorized by this Court's Order.

d. If Plaintiff believes that service of this application will be a violation of the provisions of the automatic stay, once the stay is vacated, Plaintiff may file a motion with the Chancery Judge in the vicinage where their property lies

requesting permission to send a new Notice of Intention to Foreclose. Plaintiff shall not be required to file a new Order to Show Cause for cases currently in bankruptcy.

5. Plaintiff shall publish the legal notice of this action as set forth in Exhibit "1" attached hereto on at least two (2) days prior to February 5, 2014 in the following newspapers:

- a. Star Ledger
- b. New Jersey Herald
- c. The Press of Atlantic City
- d. Courier-Post

6. The Court will only entertain objections to the process outlined in the Supreme Court's April 4, 2012 Order. Any party in interest who wishes to object to the process shall file the objection under the docket number for this Order to Show Cause, **in writing**, with the:

Clerk of the Superior Court, Foreclosure Processing Services  
Attention: Objection to Notice of Intention to Foreclose  
25 Market Street  
P.O. Box 971  
Trenton, New Jersey 08625-0971

A copy of the objection to the Order to Show Cause must also be sent to:

Hon. Paul Innes, P.J.Ch.  
Mercer County Civil Courts Building  
175 South Broad Street  
P.O. Box 8068  
Trenton, NJ 08650-0068

A copy of the objection to the Order to Show Cause must also be served upon the attorney for the Plaintiff at:

Andrew P. Carroll, Esq.  
McCabe, Weisberg & Conway, P.C.  
216 Haddon Avenue - Suite 303  
Westmont, New Jersey 08108

Objections to this Order to Show Cause must state with specificity the basis for the objection and must be filed no later than February 26, 2014.

7. If a timely objection is not filed, the matter may proceed to judgment in accordance with the Rules of Court.
8. Any objection in regard to a specific corrected NOI in a specific foreclosure case must be filed in writing **under the docket number of the individual foreclosure action, NOT this Order to Show Cause.** Any objection must state the basis for the objection with specificity and be filed and served as set forth in Paragraph 6 above. Objections to a specific NOI will be referred to the Chancery Judge in the vicinage in which the property lies for resolution.
9. Parties in interest are hereby advised that a telephone call to Plaintiff, to Plaintiff's attorney, to the Superior Court Clerk's Office or to the Court will not protect your rights; you must file and serve your written objection as outlined in this Order.
10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. If you do not have an attorney or are not eligible for free legal assistance through the Legal Services office (or such office does not provide services for this particular type of proceeding), you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.
11. If no party in interest timely files and serves an objection to this Order to Show Cause as provided for above, the application may be decided by the Court on the date this matter is scheduled to be heard, provided that the Plaintiff has filed a proof of service and a proposed form of judgment as required by this Order to Show Cause.

12. If written objection to this Order to Show Cause is filed, the Plaintiff's written reply shall be filed and served by March 12, 2014, A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy directly to the Honorable Judge Innes, P.J.Ch. Plaintiff is only required to serve its response upon any party or parties who have filed written objections to this Order to Show Cause.
13. Plaintiff shall submit to the Court an original and two copies of a proposed form of judgment addressing the relief sought on the date this matter is scheduled to be heard no later than 10 days before the date this matter is scheduled to be heard.
14. The Plaintiff shall file proof of service of the Verified Complaint, this Order to Show Cause and all supporting documents with the Clerk of Superior Court no later than nine (9) days before the return date of this matter.
15. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the Court advises to the contrary no later than 10 days before the return date.



Hon. Judge Innes, P.J.Ch.

**NOTICE**

Docket No.:  
Superior Court of New Jersey  
Chancery Division

STATE OF NEW JERSEY TO:

**Any defendant in an uncontested  
residential mortgage foreclosure action in  
which Capital One, N.A. is the Plaintiff  
or servicer**

YOU ARE HEREBY ORDERED TO SHOW CAUSE why the relief requested by Capital One, N.A. in the Verified Complaint and Order to Show Cause in a civil action pending in the Superior Court of New Jersey, Chancery Division, bearing Docket \_\_\_\_\_ should not be granted by the Court. Copies of all pleadings in regard to this matter may be obtained from the Court's web page at <http://www.judiciary.state.nj.us>.

This action has been instituted for the purpose of whether or not the Court should allow Capital One, N.A. to re-send Notices of Intention to Foreclose pursuant to the process established by the Supreme Court of New Jersey on April 4, 2012. Any objection to this action must be **in writing** and filed with the Clerk of the Superior Court, Hughes Justice Complex - CN 971, Trenton, New Jersey 08625. A copy of any objection must also be sent to Honorable Judge Innes, P.J.Ch. Mercer County Courthouse, 175 South Broad Street, P.O. Box 8068, Trenton, NJ 08650-0068 and Andrew P. Carroll, Esq., McCabe, Weisberg & Conway, P.C., 216 Haddon Avenue - Suite 303, Westmont, New Jersey 08108. Any objection must be filed no later than \_\_\_\_\_. If timely objection is filed, the Court may conduct oral argument on \_\_\_\_\_. If no timely objection is filed, the Court may rule on the application on the papers on the return date.

If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association by calling 732-249-5000. You may also contact the Lawyer Referral Service of the county of venue by calling 973-267-5882. If you cannot afford an attorney, you may communicate with the Legal Services office of the county of venue by calling 973-383-7400.

*Jennifer M. Perez*

JENNIFER M. PEREZ, CLERK  
SUPERIOR COURT OF NEW JERSEY

***This is an attempt to collect a debt and any information obtained will be used for that purpose.***

"The Fair Housing Act prohibits "any preference, limitation or discrimination because of race, color, religion, sex, handicap, familial status or national origin, or intention to make such preference, limitation or discrimination" in connection with any aspect of a residential real estate transaction. McCabe, Weisberg & Conway, LLC encourages and supports the equal housing practices of the Fair Housing Act in the conduct of business."

FILED Nov 26, 2013

McCABE, WEISBERG & CONWAY, P.C.  
 Andrew P. Carroll, Esq. ID#073722013  
 216 Haddon Avenue - Suite 303  
 Westmont, New Jersey 08108  
 (856) 858-7080  
 Attorneys for Plaintiff  
 Matter No. 348-0152 - 19776

<p><b>IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY CAPITAL ONE, N.A.</b></p>	<p>SUPERIOR COURT OF NEW JERSEY          CHANCERY DIVISION          MERCER COUNTY</p> <p>Docket No.</p> <p>Civil Action            <b>F -044169-13</b></p> <p><b>VERIFIED COMPLAINT</b></p>
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Plaintiff, Capital One, N.A., through their attorneys, McCabe, Weisberg & Conway, P.C.,  
 by way of Verified Complaint, hereby says as follows:

**FACTS:**

1. Capital One, N.A. (hereinafter "Capital One") is a mortgage lender and servicer headquartered in McLean, Virginia.
2. Capital One owns and services residential mortgage loans, including loans in the State of New Jersey.
3. When a borrower fails to meet his/her monthly mortgage obligation the loan becomes delinquent. During this time of default many steps are taken to contact the borrower to determine if an arrangement short of foreclosure can be reached, whether it is a short sale, deed in lieu, loan modification, or forbearance agreement. Foreclosure is not the first option and always chosen as a last resort.
4. If the borrower opts not to communicate with Capital One or does not otherwise resolve the default, a Notice of Intention to Foreclose (hereinafter "NOI"), as required by the Fair

- Foreclosure Act, is sent by regular and certified mail to the borrower giving him/her at least thirty (30) days to cure the default and reinstate the loan.
5. If the default is not cured or other arrangements are not made to resolve the default, after the NOI expires, the loan is accelerated and foreclosure counsel will initiate the foreclosure by filing a complaint with the local county court.
  6. On February 27, 2012, the New Jersey Supreme Court issued an opinion in U.S. Bank National Association v. Guillaume, 209 N.J. 449 (2012), requiring strict compliance with the requirements of the Fair Foreclosure Act, including identification of the name and address of the lender rather than the servicer contact information alone.
  7. Based upon this ruling, Capital One completed a revision to its form NOI to bring it into complete compliance with the Fair Foreclosure Act as interpreted in U.S. Bank National Association v. Guillaume.
  8. Attached as Exhibit "A" is a true and correct copy of the revised form NOI that Capital One intends to send to all borrowers affected by the outcome of this Order to Show Cause.
  9. Attached as Exhibit "B" is the sample letter of explanation which will be served upon each individual borrower along with the revised NOI. This letter will clarify for the borrower the reason they are receiving a new NOI.
  10. Subsequent to the Guillaume opinion, Chief Justice Stuart Rabner issued an Order on April 4, 2012, in furtherance of the Supreme Court's holding in U.S. Bank National Association v. Guillaume, authorizing the Honorable Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage and the Honorable Paul Innes, P.J.Ch., Mercer Vicinage to entertain summary actions by Order to Show Cause as to why Plaintiffs in uncontested, pre-

judgment residential foreclosure matters, should not be allowed to re-serve corrected NOIs.

COUNT ONE:

**CAPITAL ONE, N.A.**

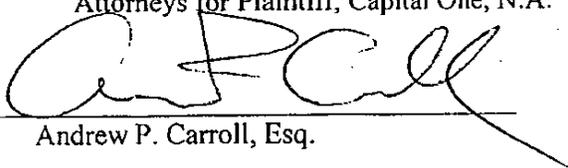
11. Plaintiff hereby incorporates by reference Paragraphs 1 through 10 as if set forth herein.
12. Attached as Exhibit "C" is a list of uncontested residential foreclosure actions in which Capital One, N.A. is the plaintiff and Plaintiff requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, Capital One, N.A. respectfully requests judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit "A" compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notices of Intention to Foreclose, in the form attached as Exhibit "A", to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "C" in which Capital One, N.A. is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

McCabe, Weisberg & Conway, P.C.  
Attorneys for Plaintiff, Capital One, N.A.

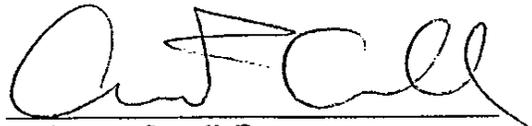
Dated: 4-25-13

By: 

Andrew P. Carroll, Esq.

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 listed on Exhibit "C", 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. I certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

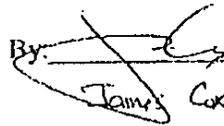
  
\_\_\_\_\_  
Andrew P. Carroll, Esq.

Dated: 11-25-13

VERIFICATION

I, James Cox, of full age certify as follows:

1. I am a Vice President of Capital One, N.A.
2. I have read the contents of the Verified Complaint and verify the statements contained therein are true to the best of my knowledge and personal information.
3. I certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By:   
James Cox

DATED: 11/19/13

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 listed on Exhibit "C", 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. I certify that the foregoing statements made by me are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
\_\_\_\_\_  
Andrew P. Carroll, Esq.

Dated: 11-25-13

RECEIVED

JAN 27 2014

SUPERIOR COURT  
CLERK'S OFFICE

McCabe, Weisberg & Conway, P.C.  
216 Haddon Avenue, Suite 303  
Westmont, NJ 08108

January 24, 2014

Lawrence Guarino  
705 Stelle Avenue  
Plainfield, NJ 07060

Clerk of Superior Court  
Hughes Justice Complex  
PO Box 971  
Trenton, NJ 08625

Re: Order to Show Cause - F- 044169-13  
Your Foreclosure Action-Capital One, N.A. v. Lawrence Guarino

Dear Borrower:

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.

By the court's Order to Show Cause dated 1/2/2014, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, the Honorable Paul Innes, P.J.Ch., gave permission to *Capital One, N.A.* to serve, along with the Order to Show Cause and verified complaint, corrected 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 one of the entities named below is 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 lists the following lenders in the following counts of the Verified Complaint.

**COUNT ONE: Capital One, N.A.**

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.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 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 a representative at Capital One, N.A., 1-877-230-8516, who can assist you in locating the information about your foreclosure.

### **Information about the Corrected Notice of Intention to Foreclose**

Also enclosed with this letter is the corrected Notice of Intention to Foreclose. It allows you an additional 30 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 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 plaintiff in the foreclosure action. The corrected 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 corrected Notice of Intention to Foreclose, please contact Capital One, N.A., 1-877-230-8516. Additional contact information is provided in the corrected 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 corrected 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 corrected 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.

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 Andrew P. Carroll, Esq., at 216 Haddon Avenue, Suite 303, Westmont, NJ 08108, and mail a copy of the objection to the Honorable Paul Innes, P.J.Ch. at 175 South Broad Street, P.O. Box 8068, Trenton, NJ 08650-0068.

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 [SCCOForeclosureMailbox@judiciary.state.nj.us](mailto:SCCOForeclosureMailbox@judiciary.state.nj.us).