

return date of December 18, 2013;

2. The Order To Show Cause directed all Foreclosure Defendants identified Exhibit A to the Verified Complaint (the "Remediated NOI List") to appear and show cause why the Court should not allow Green Tree to send Remediated Notices of Intention to Foreclose;

3. The Order To Show Cause and supporting documents (the "OTSC Package") were served by Green Tree on each Foreclosure Defendant by contemporaneous regular and certified mail, return receipt requested, at the last known address in Green Tree's business records;

4. One of the documents served on each Foreclosure Defendant was a Remediated Notice of Intention to Foreclose that complies with the requirements of N.J.S.A. 2A:50-56;

5. Notice of this Order To Show Cause was published in the Gloucester County Times, Star Ledger, The Press of Atlantic City and the Bergen Record pursuant to the Order To Show Cause;

6. The only individuals who have submitted timely Objections in response to this matter (identified on Exhibit A) are identified in the Exhibit to this Order;

7. The Final Hearing was held on December 18, 2013.

THEREFORE, IT IS on this 12th day of February, 2014,

ORDERED that all Objections to the Order To Show Cause are hereby overruled for the reasons set forth on the record on December 18, 2013; and

IT IS FURTHER ORDERED that Green Tree's request to send Remediated Notices of Intention to Foreclose on pre-judgment, uncontested Foreclosures identified in the Remediated NOI List is hereby GRANTED; and

IT IS FURTHER ORDERED that the Remediated Notices of Intention to Foreclose served in accordance with this Court's Order to Show Cause complied with the requirements of the Fair Foreclosure Act;

IT IS FURTHER ORDERED that, for cases that were administratively dismissed for lack of prosecution during the pendency of these proceedings, the remediated Notices of Intent to Foreclose which were included in the OTSC Packages sent herein shall be deemed statutorily compliant and an appropriate basis upon which a reinstated or subsequent Foreclosure action may be predicated;

IT IS FURTHER ORDERED that since more than thirty-five (35) days have elapsed since the service of the Remediated Notice of Intention to Foreclose, Green Tree may resume foreclosure where the Foreclosure Defendant has not reinstate the loan;

IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of Final Judgment upon the submission of an appropriate application to enter Judgment in any Foreclosure that was subject to this Order To Show Cause. Any previously filed motions for entry of Final Judgment that are pending review by the Office of Foreclosure are to be withdrawn and completed/updated motions for entry of Final Judgment (including Certification of Diligent Inquiry(s)) are to be filed on notice to the Foreclosure Defendants once the withdrawals are complete;

IT IS FURTHER ORDERED that a copy of this Final Order shall be posted in a searchable pdf format on the Judiciary Web Page at <http://www.judiciary.state.nj.us>;

IT IS FURTHER ORDERED that a copy of this Final Order, without Exhibits, will be published one time before 2/24/2014, in the following four newspapers: (1) the "Star Ledger", (2) "Bergen County Record", (3) the "Press of Atlantic City", and (4) the

“Gloucester County Times”;

IT IS FURTHER ORDERED that Green Tree will provide a “life of the loan” statement to those Foreclosure Defendants who have requested one during this Order to Show Cause process;

IT IS FURTHER ORDERED that within seven (7) days, Green Tree shall serve a copy of this Final Order (without exhibits), by regular mail, upon any individual borrower who has filed a timely written Objection in this matter or counsel for such individuals.

By the Court,

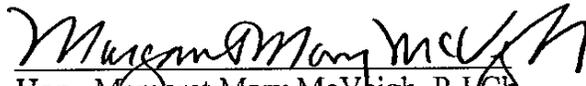

Hon. Margaret Mary McVeigh, P.J. Ch

EXHIBIT A

Cynthia (Aufiero) Upton, Pro Se
174 Donoma Street
Browns Mills, NJ 08015
(609) 248-5500

Superior Court of New Jersey
Chancery Division
Passaic County
Docket No. F-013034-13

December 5, 2013

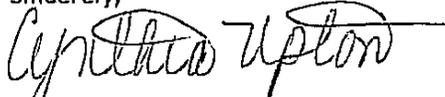
I am objecting to the order to show cause in the above noted foreclosure based on the fact that I have not previously received any legal notices from Greentree Lending with respect to foreclosing on this property.

I am also actively working with Greentree Mortgage in an attempt to have this mortgage modified so that I can keep my home.

Please note that I am also answering this complaint on behalf of my deceased Husband, Andrew Aufiero. I also received the exact same notices addressed to him. I have already notified Greentree Lending of his death and have provided them with a copy of his death certificate.

I also re-married and my name is now Cynthia Upton.

Sincerely,


Cynthia (Aufiero) Upton

cc: Rob Saltzman, Esq. of Pluese, Becker & Saltzman
& Judge McVeigh, Chamber 100, Passaic County Courthouse

PLUESE, BECKER & SALTZMAN, LLC

Attorneys at Law

ROB SALTZMAN ♦
RSaltzman@pbslaw.org

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MOUNT LAUREL OFFICE:
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Mount Laurel, NJ 08054-1311
(856) 813-1700
FACSIMILE: (856) 813-1720

PENNSYLVANIA OFFICE:
721 Dresher Road, Suite 1050
Horsham, PA. 19044
(215) 546-3205
FACSIMILE: (215) 653-7451

OF COUNSEL:

The Law Offices of Barbara A. Fein, P.C. ♦
BarbaraF@lobaf.com

Glen-David Schwarzschild, Esq. ♦
Gdens@glenslaw.com

♦ PA and NJ Bars

Our File #

Please reply to our MOUNT LAUREL office

December 9, 2013

The Honorable Margaret Mary McVeigh, P.J. Ch.
Superior Court of New Jersey
Passaic County Courthouse, Chambers 100
71 Hamilton Street
Paterson, New Jersey 07505

Re: In re Notices of Intention to Foreclose Sent by Green Tree Servicing LLC
Docket No. F-013034-13
Objection of Cynthia (Aufiero) Upton (Burlington County Dkt. No. 09914-10)

Dear Judge McVeigh:

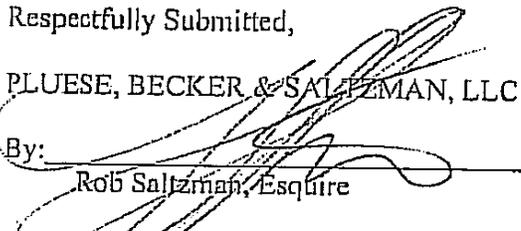
As the Court's file should reflect, this law firm represents Green Tree Servicing LLC ("Green Tree") in the above-referenced Order to Show Cause (the "OTSC") seeking authorization to remediate pre-foreclosure Notice(s) of Intent to Foreclose in residential mortgage foreclosure actions pending in the Superior Court of New Jersey.

Please accept this correspondence in lieu of a more formal Reply to the Objection (copy following) of Cynthia Upton. The Objection does not contest the relief requested in these proceedings and does not object to the remediation process (the "OTSC Process") established by the Supreme Court. Instead, the Objection relates to the Foreclosure Defendant's efforts to resolve the underlying Foreclosure and it reveals an apparent misunderstanding. The OTSC Process confers a benefit upon Foreclosure Defendants by affording them an opportunity to cure their defaults without paying their Lender's litigation expenses. This Foreclosure Defendant may contact the Fein Such Law Group, which is the law firm representing Green Tree in the underlying Foreclosure, Green Tree's Loss Mitigation Department (800-544-8056), or the undersigned to discuss the benefits of the OTSC Process in the context of the particular Foreclosure.

Accordingly, Green Tree respectfully submits that the relief requested in their OTSC be granted. Thank you for Your Honor's consideration of this matter.

Respectfully Submitted,

PLUESE, BECKER & SALTZMAN, LLC

By: 
Rob Saltzman, Esquire

c: Cynthia (Aufiero) Upton



LITVIN LAW FIRM, P. C.

Gennady Litvin, Esq.*

Yurly Moshes, Esq.**

Salman Ismat, Esq.**

*Licensed in NY and FL

** Licensed in NY and NJ

OF COUNSEL:

Rebecca Carmen, Esq.

Licensed in NY

November 27, 2013

Via First Class Mail

Superior Court Clerk's Office
Foreclosure Processing Services
25 Market Street
P.O. Box 971
Trenton, New Jersey 08625-0971

Hon. Margaret Mary McVeigh, P.J.Ch.
Superior Court of New Jersey, Passaic County
Passaic County Courthouse
71 Hamilton Street, Chambers 100
Paterson, NJ 07505

Re: Green Tree Servicing, LLC v. Lucy Yaurimo, et al.
Docket Number: F-18142-10

Dear Sir/Madam:

As you may know, this firm represents the Defendant in the above-referenced foreclosure action. This letter is sent to object to the Remediated Notice of Intent to Foreclose (NOI) sent by Plaintiff in conjunction with their Order to Show Cause.

The objections to the NOI are based in the NJ Fair Foreclosure Act. Pursuant to N.J.S.A. 2A:50-56 (the "FFA"), a lender must send the mortgagor a Notice of Intent to Foreclose at least 30 days prior to initiating a foreclosure. There are numerous requirements of what information must be included in a notice of intent to foreclose. See N.J.S.A. 2A:50-56(c). The notice provisions are mandatory. See

MAIN OFFICE:
1716 Coney Island Ave., Suite 5R
Brooklyn, NY 11230

Business Office (718) 307-5684
Fax (347) 713-1465

1 Bridge Plaza N, Suite 214
Fort Lee, NJ 07014

EMC Mortgage Corp. v. Chaudhri, 400 N.J. Super 129, 139 (App. Div. 2008). "Substantial compliance" with the unambiguous statute is not sufficient. Id. at 138. In order to comply with the FFA, the Plaintiff must adhere to all the provisions of the notice requirement.

The sole objection to the Remediated NOI is that it does not contain a *single person to contact* to whom the borrower can bring disputes, or raise other questions. See N.J.S.A. 2A:50-56(c). This requirement is important because in large organization such as Plaintiff's, one hand often does not know what the other hand is doing. It is therefore important to have a single point of contact to the organization that the borrower can use if there are any disputes, questions or concerns.

Without this single point/person to contact the Plaintiff has not fully complied with the FFA, and the Remediated NOI is still non-compliant, and this NOI should not be deemed compliant by the Court.

Respectfully submitted,



Salman Ismat
Attorney at Law

cc: Rob Saltzman, Esq. (*Attorney for Plaintiff*)
Honorable Margaret Mary McVeigh, P.J.Ch.

AFFIRMATION OF SERVICE

SALMAN ISMAT, Esq. an attorney admitted to the practice of law in the courts of this state, and associated with Litvin Law Firm, P.C., as attorney for Defendants herein, affirms that a copy of the foregoing ANSWER was served by US Mail, November 27, 2013 upon:

ROBERT SALTZMAN, ESQ.
PLUESE, BECKER & SALTZMAN, LLC
20000 HORIZON WAY, SUITE 900
MT. LAUREL, NJ 08054

DATED: November 27, 2013

Respectfully Submitted

By: 
SALMAN ISMAT, ESQ
Attorney for Defendants
LITVIN LAW FIRM, P.C.
1716 Coney Island Avenue, Suite 5R
Brooklyn, NY 11230
(718) 307-5684

PLUESE, BECKER & SALTZMAN, LLC

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(215) 546-3205
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OF COUNSEL:

The Law Offices of Barbara A. Fein, P.C. ♦
BarbaraF@lobaf.com

Glen-David Schwarzschild, Esq. ♦
Glens@glenslaw.com

♦ PA and NJ Bars

Please reply to our MOUNT LAUREL office

Our File #

December 9, 2013

The Honorable Margaret Mary McVeigh, P.J. Ch.
Superior Court of New Jersey
Passaic County Courthouse, Chambers 100
71 Hamilton Street
Paterson, New Jersey 07505

Re: In re Notices of Intention to Foreclose Sent by Green Tree Servicing LLC
Docket No. F-013034-13
Objection of Lucy Yaurimo (Passaic County Dkt. No. 18142-10)

Dear Judge McVeigh:

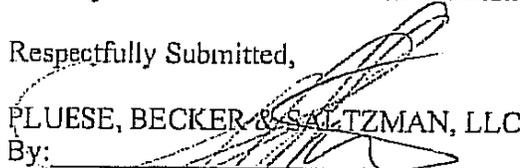
As the Court's file should reflect, this law firm represents Green Tree Servicing LLC ("Green Tree") in the above-referenced Order to Show Cause (the "OTSC") seeking authorization to remediate pre-foreclosure Notice(s) of Intent to Foreclose (the "NOI") in residential mortgage foreclosure actions pending in the Superior Court of New Jersey.

Please accept this correspondence in lieu of a more formal Reply to the Objection (copy following) of Lucy Yaurimo. The Objection does not contest the relief requested in these proceedings and does not object to the remediation process (the "OTSC Process") established by the Supreme Court. Instead, the Objection relates to the particular NOI the underlying Foreclosure and it reveals an apparent misunderstanding. The OTSC Process confers a benefit upon Foreclosure Defendants by affording them an opportunity to cure their defaults without paying their Lender's litigation expenses. This Foreclosure Defendant or her Counsel may contact the Powers Kirn firm, which is the law firm representing Green Tree in the underlying Foreclosure, Green Tree's Loss Mitigation Department (800-544-8056), or the undersigned to discuss the benefits of the OTSC Process in the context of the particular Foreclosure. In the alternative, the concern expressed in the Objection is more appropriately addressed in the context of the Objector's individual Foreclosure, and not in these proceedings.

Accordingly, Green Tree respectfully submits that the relief requested in their OTSC be granted. Thank you for Your Honor's consideration of this matter.

Respectfully Submitted,

PLUESE, BECKER & SALTZMAN, LLC

By: 
Rob Saltzman, Esquire

cc: Salman Ismat, Esq.

EXHIBIT B

Account Number	Plaintiff's Counsel	Docket Number	Case Caption	Veinage	Nature of Defect	Obligor(s) Last Known Address	Borrower's Counsel	Active Bankruptcy Info	Special Circumstances
0001001155	Fein Such Law Group	F-14679-09	Countrywide Home Loans Servicing, LP v. John M. Piscatelli and Kim S. Piscatelli	Ocean	Lender not listed	241 EDGEEMERE DR TOMS RIVER NJ 08755		N	
0001001709	Fein Such Law Group	F-61006-09	BAC Home Loans Servicing LP, FKA Countrywide Home Loans Servicing, LP v. John T. Marshall Jr. and Gayle E. Marshall	Camden	Lender not listed	5254 OAKWOOD CT EGG HARBOR CITY NJ 08215		N	
0001002138	Fein Such Law Group	F-09914-10	BAC Home Loans Servicing LP, FKA Countrywide Home Loans Servicing, LP v. Andrew Aufiero and Cynthia Aufiero	Burlington	Lender not listed	174 DONOMA ST BROWNS MILLS NJ 08015		N	
0001009778	Fein Such Law Group	F-24294-09	Bank of America N.A. v. John A. Cabeza	Bergen	Lender not listed	809 EDGEWATER AVE RIDGEFIELD NJ 07657		N	
89388589	Frenkel, Lambert, Weiss and Weisman	F-31375-08	The Bank of New York as Trustee for the Certificateholders CWABS, Inc Asset-Backed Certificates, Series 2006-5 v. Kathleen A Fazzaro, Mr. Fazzaro, husband of Kathleen A. Fazzaro	Middlesex	Lender not listed	193B Plainsboro Rd, Cranbury, NJ 08512		N	
89388758	KML Law Group, P.C.	F-06410-10	The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificateholders CWABS, Inc., Asset-Backed Certificates, Series 2006-6 VS. Guy Gambacorto & Dawn M. Gambacorto	Monmouth	Lender not listed	77 Welling Ave, Belford, NJ 07718		N	
89383761	PHILAN HALLINAN & SCHMIEG, PC-NJ	F-17543-08	BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDER S CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2004-6 V. DIANTHE D. MARTINEZ, MR. MARTINEZ, HUSBAND OF DIANTHE D. MARTINEZ	Essex	Lender not Listed	127 S Valley Rd, West Orange, NJ 07052		N	
89384421	PHILAN HALLINAN & SCHMIEG, PC-NJ	F-41231-08	THE BANK OF NEW YORK, AS TRUSTEE FOR THE BENEFIT OF THE CERTIFICATEHOLDER S, CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-BC3 V. CHRIS PAPARGYRIOU, MRS. CHRIS PAPARGYRIOU, HIS WIFE	Ocean	Lender not Listed	305 Haag Ave, Seaside Heights, NJ 08751		N	
88249885	Pluse, Becker and Saltzman #070827	F-006595-12	Green Tree V. John L Dugan	Warren	Lender not listed	181 Old Pen Argyl Rd, Bangor, PA 18013		N	
89196427	Pluse, Becker and Saltzman #64977	F-050936-09	Green Tree V. George Parrilla	Essex	e10 no list attached	130 Burlington Ave, Paterson, NJ 07502		N	
89196352	Pluse, Becker and Saltzman #65617	F-005483-10	Green Tree V. Justin Kwak	Norris	e10 no list attached	18 Lafayette Pl, Denville, NJ 07834		N	
89691341	Pluse, Becker and Saltzman #65726	F-008771-10	Green Tree V. Michael Bovosa	Monmouth	e10 no list attached	17 Fox Meadow Ln, Holmdel, NJ 07733		N	
89798048	Powers Kim LLC	F-048884-10	Green Tree V. Armando Desouza	Union	Lender not listed	2501 Grier Ave, Linden, NJ 07036		N	
89805459	Powers Kim LLC	F-32647-10	Green Tree V. Asilo Rangan	Mercer	Lender not listed	51 Long Hill Dr, Clifton, NJ 07013		N	
0001000991	Powers Kim LLC	F-28762-09	BAC Home Loans Servicing LP, FKA Countrywide Home Loans Servicing, LP v. Trene Barksdale	Burlington	Lender not listed	PO BOX 1421 BURLINGTON NJ 08016		N	
0001003409	Powers Kim LLC	F-03980-10	BAC Home Loans Servicing LP v. Carlos Guevara	Union	Lender not listed	130 LINCOLN AVE ELIZABETH NJ 07208		N	

0001003433	Powers Kim LLC	F-051121-10	BAC Home Loans Servicing LP v. Ronald G. Cox	Essex	Lender not listed	114 MELROSE AVE IRVINGTON NJ 07111		N
0001004472	Powers Kim LLC	F-042124-10	Bank of America, N.A. v. Hector A. Perez and Christin Williams	Somerset	Lender not listed	36 IVANHOE AVE SOMERVILLE NJ 08876		N
89385944	Stern, Lavinthal, Norgaard & Kapnick	F-11318-09	THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDER S CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-4 v. STEPHEN	Essex	30 day cure not provided	1102 Spring Creek Ln, Atlanta, GA 30350		N
89388023	Stern, Lavinthal, Norgaard & Kapnick	F-11173-10	THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDER S CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-14 V. SHAUN HARGRAVES	Gloucester	30 day cure not provided	240 Clayton Ave, Monroeville, NJ 08043		N
89388750	Stern, Lavinthal, Norgaard & Kapnick	F-21826-08	THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDER S CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-6 v. MARGUERITE E. DONNELLY	Morris	30 day cure not provided	89 Pine Brook Rd, Towaco, NJ 07082		N
89795251	Stern, Lavinthal, Norgaard & Kapnick	F-34852-09	Green Tree V. Brandon Medina	Ocean	30 day cure not provided	716 7th Ave, Toms River, NJ 08757		N
89798286	Stern, Lavinthal, Norgaard & Kapnick	F-40374-08	Green Tree V. Keisha Mantalvo	Union	30 day cure not provided	24-26 Everett Pl, Plainfield, NJ 07063		N
89805519	Stern, Lavinthal, Norgaard & Kapnick	F-17311-09	Green Tree V. Eric Tait	Camden	30 day cure not provided	1661 Athens Ave, Blackwood, NJ 08012		N
89806005	Stern, Lavinthal, Norgaard & Kapnick	F-39274-09	Green Tree V. Gregory Whitaker	Essex	30 day cure not provided	111 Lincoln St, Montclair, NJ 07042		N
89988648	Udlen Law Offices, P.C.	F-22155-09	Wells Fargo Bank, N.A. as Trustee for BSSP Trust Series 2007-EMX1 v. Diomedes Verano, et al	Burlington	Verbinge	126 Dennis Avenue, Pemberton Township, NJ 08015		N
89988591	Zucker Goldberg & Ackerman	F-057695-10	Wells Fargo Bank, N.A. as Trustee for BSSP Trust Series 2007-EMX1 v. Jo Ann Robertuzzi et al	Essex	the lender address was not properly listed; The name of a contact person provided if the debtor disputes the cure amount was not provided;	54 Brookline Avenue, Nutley, NJ 07110		N