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F I L E D

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105 Eisenhower Parkway - Suite 302
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(973) 797-1100
Attorneys for Plaintiff

MARGARET M. MCVEIGH, P.J.Ch.

**IN RE APPLICATION OF INVESTORS BANK TO ISSUE CORRECTIVE NOTICES OF INTENTION TO FORECLOSE IN PENDING UNCONTESTED FORECLOSURE ACTIONS**

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
CIVIL ACTION
Docket No: F-16805-13

**ORDER TO SHOW CAUSE TO PROCEED SUMMARILY PURSUANT TO RULE 4:67-2**

THIS MATTER being brought before the Court by the law firm Stern, Lavinthal & Frankenberg, LLC, attorneys for plaintiff, Investors Bank (hereinafter "Investors ") seeking relief by way of summary action to permit the service of corrective Notices of Intention to Foreclose (hereinafter "NOI"), to the defendant/mortgagor and/or parties obligated on the debt (hereinafter "Foreclosure Defendants") in the pending pre judgment, uncontested foreclosure cases listed on Exhibits A, B and C to the Second Amended Verified Complaint (hereinafter "Corrected NOI List") to include the name and address of the lender and based upon the New Jersey Supreme Court decision in U.S. Bank v. Guillaume, 209 N.J. 449 (2012), and as implemented in Chief Justice Stuart Rabner's April 4, 2012 Order, and based upon the facts as set forth in the Second Amended Verified Complaint filed herewith; and for good cause shown;

IT IS on this 26th day of August , 2013

ORDERED that the parties whose names appear on the Corrected NOI list to the Second Amended Verified Complaint appear and show Cause on the 4th day of December, 2013, before the Hon. Margaret Mary McVeigh, P.J.Ch. Passaic County Courthouse 71 Hamilton Street Paterson, NJ 07505 at 10 a.m. o'clock to object to this Court's allowing Investors to issue corrective Notices of Intention to Foreclose pursuant to this Order to Show Cause.

**AND IT IS FURTHER ORDERED THAT FOR EACH FORECLOSURE ACTION IN WHICH INVESTORS ISSUES A CORRECTED NOTICE OF INTENT TO FORECLOSE IN ACCORDANCE WITH THIS ORDER, AS FOLLOWS:**

1. Investors shall issue a letter ("Explanatory Letter") to each such Defendant in the form attached as Exhibit E to the Second Amended Verified Complaint. The Explanatory Letter will set forth the following:
    a. explain the reason why the corrected Notice of Intention is being served;
    b. explain the procedure to follow in the event a Defendant wishes to object to the NOI;
    c. set forth the borrower name, loan number, plaintiff and docket number for the underlying foreclosure action;
    d. identify a contact for questions in the event that the defendant has any questions;
    e. advise the Defendant of the right to object to the corrected Notice of Intent as well as the right to cure the default within 35 days from the date of the corrected Notice of Intention.

2. Investors will issue the corrective Notice of Intention to Foreclose in the form attached as Exhibit D as applicable, and shall attach such Notice of Intention to the Explanatory Letter as referenced in paragraph 1 above. The corrected Notice of Intention will exclude attorneys' fees and foreclosure costs that have been incurred in the pending foreclosure cases. In accordance with the servicing guidelines and as required by N.J.S.A 2A:50-56( c), the Explanatory letter and the corrected Notice of Intent will be sent by or on behalf of Investors, the servicer.
3. Investors shall serve the corrected NOI, the Explanatory Letter and a copy of this Order to Show Cause (collectively, the OTSC Package") via certified mail, return receipt requested and regular mail at the last known address of the Foreclosure Defendant. For purposes of this Order to Show Cause, Investors may serve each marital couple residing at the same address with one OTSC package via certified mail and regular mail. In the event that Investors has been provided an address for the estate of a deceased Foreclosure Defendant, the OTSC Package shall be mailed to the address of the estate and or the executor/or administrator if known and available. The OTSC Package will be mailed within 45 days of the date of this Order.
4. A copy of Investors' complete application to this Court shall be loaded onto the New Jersey Courts website within 5 days of the date of this Order where it will be available for

review by the general public at the website link: http://www.judiciary.state.nj.Us. All attachments will be provided in searchable PDF files.

5. In addition to providing service of the OTSC Package by certified and regular mail, Investors will, within 2 days prior to October 28, 2013, provide publication notice two (2) times each in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: Star Ledger, Bergen Record, the Press of Atlantic City, and Courier Post. Attached hereto as Exhibit A is a sample notice.

6. Investors shall file with the Court its proof of service of the OTSC Package on Foreclosure Defendants on the Corrected NOI List in the manner consistent with this Order No later than nine (9) days before the return date.

7. You, the Foreclosure Defendants, have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave Investors permission to serve the corrected NOI). To do so, you must file a written objection under the docket number listed on the first page of this Order for this case. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's office, Foreclosure Processing Services, Trenton, NJ, at the following address on or before November 15, 2013, :

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

You must also serve a copy of the objection on Investors' attorney at the following address:

Laura Scurko, Esq.
STERN, LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068

And mail a copy of your objection to the Honorable Margaret Mary McVeigh at the following address:

Hon. Margaret Mary McVeigh, P.J.Ch.
Passaic County Courthouse
71 Hamilton Street
Paterson, NJ 07505

8. You, the Defendant also have the right to object to the corrected Notice of Intent to foreclose that you will receive. You will also have 35 days from the date of the corrected Notice of Intent to cure your default. If you object to any of the contents of your corrected Notice of Intent, you must file written objection under the docket number for your foreclosure action. You must set forth with specificity the basis of your objection and file your objection with the Superior Court Clerk's office on or before **November 15, 2013** at the following address:

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

You must also serve a copy of the objection on Investors attorney at the following address:

Laura Scurko, Esq.
STERN, LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068

And mail a copy of your objection to the Honorable Margaret Mary McVeigh at the following address:

Hon. Margaret Mary McVeigh, P.J.Ch.
Passaic County Courthouse
71 Hamilton Street
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9. If written objection to this Order to Show Cause is filed, the Investors' written reply shall be filed and served by November 22, 2013. A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy sent directly to the Honorable Hon. Margaret Mary McVeigh, Plaintiff is only required to serve its response upon any party or parties who have filed written objections to this Order to Show Cause.

10. If you cannot afford an attorney you may call the Legal Services office in the county in which you live. A list of these offices is attached to the Corrective NOI. 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. Investors shall submit to the Court a proposed form of judgment addressing the relief sought on the return date no later than nine (9) days before the return date.

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

13. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the OTSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the following procedure shall be used. Investors shall mail the OTSC Package within 45 days of the lifting of the stay or suspension of the foreclosure action. You the Foreclosure Defendant will have 35 days from the date of the corrected Notice of Intention in which to object to the corrected Notice of Intention or cure the default. Any objections to the relief set forth in the Order to Show Cause shall be made in writing to the Court in the County in which your foreclosure action is pending. You must also send a copy of your written papers to Investors' attorney at the following address:

Laura Scurko, Esq.
STERN, LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068

Or the Court handling your foreclosure action will not be able to consider your objection.

Hon Margaret Mary McVeigh, P.J.Ch.

**LEGAL NOTICE**
Docket No.: F-16805-13
Superior Court of New Jersey
Chancery Division

STATE OF NEW JERSEY TO:

**Any defendant in an uncontested residential mortgage foreclosure action in which Investors Bank is both the Plaintiff and servicer or in matters where Investors Bank services the loan for the Federal National Mortgage Association**

**WHY INVESTORS BANK IS RUNNING THIS NOTICE.** The New Jersey Supreme Court recently held that any Notice of Intent to Foreclosure in New Jersey must strictly comply with the Fair Foreclosure Act. Many Notices of Intent issued in the past did not strictly comply with the Fair Foreclosure Act.

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

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

Your Right to object to this Process. You also have the eight to file an objection to this process of sending corrected Notices of Intent. Your objection must be in wiring and must say specifically what you object to. You must file any such objection on or before _____. You must file and send any objection to

Superior Court Clerk's Office, foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclosure
PO Box 971
Trenton, New Jersey 08625

You must also sent copies to Judge Margaret Mary McVeigh, P.J.Ch. Passaic County Courthouse 71 Hamilton Street, Room 621 Paterson, NJ 07505 and to Laura Scurko, Esq, Stern,

Lavinthal and Frankenberg, LLC, 105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068. The Court will conduct a hearing on this matter on _____.

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

If you have nay questions. Please visit the New Jersey Courts on line self Help Center at http://www.judiciary.state. Nj.us/prose/index.htm. You may also contact the Superior Court Clerk's office at 609-421-6100 or at SCCOForeclosure.mailboz.judiciary.state.nj.us.

***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. Stern, Lavinthal & Frankenberg, LLC encourages and supports the equal housing practices of the Fair Housing Act in the conduct of business."

STERN LAVINTHAL & FRANKENBERG LLC
105 Eisenhower Parkway - Suite 302
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(973) 797-1100
Attorneys for Plaintiff

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SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION

CIVIL ACTION

Docket No: F-16805-13

**CERTIFICATION OF COUNSEL**

I, Laura Scurko, Esq. of full age, hereby certify as follows:

1. I am an attorney of the State of New Jersey, and an associate in the firm of Stern, Lavinthal & Frankenberg, LLC. I am the attorney with the primary responsibility for the filing of the Verified Complaint and Order to Show Cause in this matter. I make the statements herein based upon personal knowledge. I am authorized to make these statements in support of Plaintiff's Verified Complaint and Order r to Show Cause.

2. Should the Court execute the Order to Show Cause in this matter, our office will undertake the publication of a legal notice as required by the Order to Show Cause. A true copy of a revised proposed form of that Notice is attached hereto as Exhibit A.

3. I hereby 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.

Laura Scurko, Esq.

Dated: 8/15/13

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Superior Court of New Jersey
Chancery Division

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