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OCT 18 2012

SUPERIOR COURT
CLERK'S OFFICE

GIRGES LAW PLLC
530 Route 18 North
East Brunswick, New Jersey 08816
Telephone (732) 645-2113
Facsimile (888) 858-5840

-----X

WELLS FARGO BANK, N.A.

Plaintiff,

-vs.-

Adel Micheal; et al,

Defendant.

-----X

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
HUDSON COUNTY

Docket No.: F-009564-12

CIVIL ACTION

**OPPOSITION TO
CORRECTED NOTICE OF INTENT
TO FORECLOSE**

TO: WELLS FARGO BANK, N.A.
c/o Douglas J. McDonough, Esq.
Zucker, Goldberg & Ackerman, LLC
200 Sheffield Street, Suite 101
Mountainside, NJ 07092-0024
Attorneys for Plaintiff

The undersigned, attorneys for defendant, Adel Micheal (“Defendant”), applying to the Superior Court of New Jersey, Chancery Division, Hudson County, to dismiss plaintiff’s Motion for Entry of Judgment in this action. We object to the notice served pursuant to the court order for the following reasons:

1. On September 1, 2010, Defendant received from Plaintiff a mortgage statement indicating that the unpaid principal balance was \$304,216.62. A copy of the September 1, 2010 mortgage statement is attached hereto as **Exhibit A**.
2. On June 1, 2012, Defendant received from Plaintiff a mortgage statement indicating that the unpaid principal balance was \$304,216.62. A copy of the June 1, 2012 mortgage statement is attached hereto as **Exhibit B**.
3. On July 22, 2012 Defendant received a letter from Plaintiff indicating that the unpaid principal balance is \$292,836.24. Defendant did not make any payments from May 1, 2012 to July 22, 2012, and the filed papers in this case fail to explain why the unpaid principal balance suddenly dropped to \$292,836.24. The July 22, 2012 letter to Defendant is attached hereto as **Exhibit C**
4. Plaintiff has accepted from Defendant three payments of \$1578.25 made on June 8, 2010, July 18, 2010, and August 15, 2010, for a total amount of \$4,734.75. Plaintiff did not deduct these amounts from Defendant’s mortgage statements. A copy of the checks is attached hereto as **Exhibit D**.

WHEREFORE, the Defendant for the foregoing hereby respectfully requests that the Court dismiss Plaintiff's Motion for Entry of Judgment.

Dated: October 15, 2012

GIRGES LAW PLLC
Attorneys for Defendant(s)



Catherine Dimiane, Esq.

CERTIFICATION

I hereby certify, pursuant to R. 4:5 1 that the matter in controversy herein is not the subject of any other action pending in any court or arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I further certify that I am unaware of any other party who should be joined in this action.

Dated: October 15, 2012

GIRGES LAW PLLC
Attorneys for Defendant(s)


Catherine Dimiane, Esq.

CERTIFICATION

I hereby certify that the attached objection was served within the time period allowed by R. 4:6.

Dated: October 15, 2012

GIRGES LAW PLLC
Attorneys for Defendant(s)


Catherine Dimiane, Esq.

VERIFICATION

STATE OF NEW JERSEY)
COUNTY OF MIDDLESEX)

Adel Micheal, being duly sworn, deposes and says:

I am one of the named defendants in the above captioned matter. I have read the foregoing Opposition to Motion for Entry of Default Judgment and know the contents thereof and the same is true to my own knowledge, except as to those matters stated to be upon information and belief, and as to those matters, I believe them to be true.


Adel Micheal

Sworn to before me
this 15 day of October, 2012.


Catherine Dimiane, Attorney at Law
State of New Jersey

EXHIBIT A
SEPTEMBER 1, 2010 MORTGAGE STATEMENT



Return Mail Operations
PO Box 14411
Des Moines, IA 50306-3411

Monthly Mortgage Statement

Statement Date 08/23/10
Loan Number 0171396468

Customer Service

Online
yourwellsfargomortgage.com

Fax
(866) 278-1179

Telephone
(866) 234-8271

Correspondence
PO Box 10335
Des Moines IA 50306

Hours of Operation
Mon - Fri 6 AM - 10 PM
Sat, 8 AM - 2 PM CT

Payments
PO Box 11701
Newark NJ 07101

TTY Deaf/Hard of Hearing
(800) 934-9998



1AT 1693/017693/001693 062 01 ACNKK4 708

ADEL MICHEAL
689 AVENUE E
BAYONNE NJ 07002-4842

Summary

| | | | |
|---|--------------------|---|----------------------------------|
| Payment (Principal and/or Interest, Escrow) | \$3,315.90 | Property/Address | 689 AVENUE E BAYONNE NJ 07002 |
| Optional Product(s) | \$0.00 | Unpaid Principal Balance | \$304,216.62 |
| Current Monthly Payment 09/01/10 | \$3,315.90 | <i>(Contact Customer Service for your payoff balance)</i> | |
| Overdue Payments 08/01/09 - 08/01/10 | \$42,389.16 | Interest Rate | 7.625% |
| Unpaid Late Charge(s) | \$1,209.34 | Interest Paid Year-to-Date | \$1,934.72 |
| Other Charges | \$15.00 | Taxes Paid Year-to-Date | \$6,545.82 |
| TOTAL PAYMENT DUE 09/01/10 | \$46,929.40 | Escrow Balance | \$11,965.90 |

Activity Since Your Last Statement

| Date | Description | Total | Principal | Interest | Escrow | Late Charge | Other |
|-------|--------------|------------|-----------|------------|------------|-------------|---------------------|
| 08/23 | PAYMENT | | \$264.05 | \$1,934.72 | \$997.54 | | \$3,196.31 |
| 08/20 | PAYMENT | \$1,578.25 | | | | Unapplied | \$1,578.25 |
| 07/27 | PAYMENT | \$1,578.25 | | | | Unapplied | \$1,578.25 |
| 06/15 | PAYMENT | \$1,578.25 | | | | Unapplied | \$1,578.25 |
| 08/20 | MTG INS PMT | \$403.84 | | | \$403.84 | | PMI MORTGAGE INS CO |
| 08/10 | CITY TAX PMT | \$2,181.93 | | | \$2,181.93 | | BAYONNE CITY (1) |
| 07/20 | MTG INS PMT | \$403.84 | | | \$403.84 | | PMI MORTGAGE INS CO |
| 06/21 | MTG INS PMT | \$403.84 | | | \$403.84 | | PMI MORTGAGE INS CO |

Important Messages

017693001693 ACNKK4 1693 ETM1CU03 11/10 2:10 PM



Please detach and return with your payment

Loan Number 0171396468
Current Monthly Payment Due \$3,315.90
Total Payment Due 09/01/10 \$46,929.40
After 09/16/10 Add Late Fee \$109.94
Total Amount Due After 09/16/10 \$47,039.34

Monthly Payment \$
Additional Principal \$
Late Charges \$
Other Charges \$
Additional Escrow \$

Check here and see reverse for address correction

ADEL MICHEAL
1693017693001693 062 01 ACNKK4 708



WELLS FARGO HOME MORTGAGE
PO BOX 11701
NEWARK NJ 07101-4701

Total Amount Enclosed \$
(Please do not send cash)

EXHIBIT B
JUNE 1, 2012 MORTGAGE STATEMENT



Return Mail Operations
 PO Box 14411
 Des Moines, IA 50306-3411

Statement date 05/18/12
 Loan number 0171396468
 Property address
 689 AVENUE E
 BAYONNE NJ 07002

Customer Service Online
 yourwellsfargomortgage.com

Fax
 1-866-278-1179

Telephone
 1-800-274-7025

Correspondence
 PO Box 10335
 Des Moines, IA 50306

Hours of operation
 Mon - Fri 7 a.m. - 8 p.m. CT

Payments
 PO Box 11701
 Newark NJ 07101

We accept telecommunications relay service calls

For informational purposes

1AB 06687/020738/007622 0088 2 ACPGJR 708

ADEL MICHEAL
 689 AVENUE E
 BAYONNE, NJ 07002-4842

Summary

| | | | |
|---|---------------------|--|--------------|
| Payment (principal and/or interest, escrow) | \$3,482.88 | Unpaid principal balance | \$304,216.62 |
| Current monthly payment 06/01/12 | \$3,482.88 | Unpaid advance balance | \$3,151.90 |
| Overdue payment(s) 08/01/09 - 05/01/12 | \$109,534.25 | (Contact Customer Service for your payoff balance) | |
| Unpaid late charge(s) | \$2,308.74 | Interest rate | 7.625% |
| Other charges | \$15.00 | Interest paid year-to-date | \$0.00 |
| | | Taxes paid year-to-date | \$3,653.25 |
| | | Escrow balance | \$31,974.86 |
| Total payment 06/01/12 | \$115,340.87 | | |

Activity since your last statement

This statement is for informational purposes only and is being provided as a courtesy should you voluntarily decide to make your loan payments. This statement should not be construed as an attempt to collect a debt or a demand for payment contrary to any protections you may have received pursuant to your bankruptcy case.

If you have received a discharge, and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights as against the property and we are not attempting any act to collect the discharged debt from you personally.

If your Plan requires you to make regular post-petition mortgage payments directly to the Bankruptcy Trustee, and you chose to maintain your mortgage payment, any payment should be remitted to the Trustee or otherwise in accordance with the Plan you filed with the Bankruptcy court.

| Date | Description | Total | Principal | Interest | Escrow | Other |
|-------|-------------------|---------|-----------|----------|--------|---------------------|
| 05/16 | Late fee assessed | | | | | \$109.94 |
| 05/08 | Advance | \$15.00 | | | | Property inspection |
| 04/24 | Mtg ins payment | | | \$201.92 | | PMI MORTGAGE INS CO |

Continued on the next page

Important messages

This statement is for informational purposes only. Our records indicate that your loan is subject to bankruptcy. The attached coupon reflects the calendar due date, not the contractual due date of the bankruptcy case. If you have any questions regarding your loan, please contact your bankruptcy attorney or our office.



Loan number 0171396468

Monthly payment x pmt amt \$

Check here and see reverse for address correction

ADEL MICHEAL

06687/020738/007622 0088 2 ACPGJR 708

Please specify additional funds

Additional principal \$

Late charges \$

Other charges \$

Additional escrow \$

WELLS FARGO HOME MORTGAGE
 PO BOX 11701
 NEWARK NJ 07101-4701

Total amount enclosed (Please do not send cash) F \$

708 0171396468 2 10000348288035928211534081130171 000000008811206396 0

ADEL MICHEAL

Loan number 0171396468

Activity since your last statement

| Date | Description | Total | Principal | Interest | Escrow | Other |
|-------|------------------|-------|-----------|----------|-------------|---------------------|
| 04/23 | Mtg ins payment | | | | \$201.92- | PMI MORTGAGE INS CO |
| 04/18 | City tax payment | | | | \$2,191.04- | BAYONNE CITY (1) |

Late charges are assessed after the close of business on the assessment date and only after all payments received have been applied.



EXHIBIT C
JULY 22, 2012 LETTER



Return Mail Operations
 P O Box 10368
 Des Moines, IA 50306-0368

July 22, 2012

008327 1 AT 0 374 0327/008327/000514 030 01 AC055Z AR601 708

Adel Micheal
 689 Avenue E
 Bayonne NJ 07002-4842



**Notice of Intent to Change the Interest
 Rate on Adjustable Rate Mortgage**

Loan Number: 0171396468-708

| | Current | New |
|--|--|---------------|
| Interest Rate: | 7.62500% | 3.37500% |
| Index Rate: | 5.23600% | 1.06600% |
| Interest Rate Effective Date: | | 09-01-12 |
| Payment Effective Change Date: | | 10-01-12 |
| Number of Months to Next Adjustment: | | 12 months |
| Remaining Loan Term: | | 300 months |
| Current Principal and Interest Payment | \$ 2,198.77 | |
| New Principal & Interest Payment: | \$ | 1,446.45 |
| Total Payment Amount (including escrow items): | \$ | 2,730.56 * |
| Projected Unpaid Principal Balance: | \$ | 292,836.24 ** |
| Index Source: | AVERAGE INTERBANK OFFERED RATES FOR 1 YEAR LIBOR | |
| Published Date: | 07-18-12 | |
| Margin: | 2.25000% | |

* Could be subject to further change from an escrow analysis.
 ** The projected unpaid principal balance assumes payments due prior to the change date are received on or prior to the due date.

The new Interest Rate is the sum of the New Index plus Margin stated above. This total may be different due to rounding and limitations (caps and floors) as specified in your Note. If your loan is going through the first interest rate adjustment, the interest rate you have been paying was the initial interest rate and not based on the movement of the index named above.

Your new payment will be reflected on your billing statement issued for the Payment Effective Change Date given above. If you are an Automatic Mortgage Payment customer, the new payment will be deducted from your account in the month the change becomes effective.

If you have questions, please call one of our servicing representatives at (866) 234-8271, Monday through Friday, 6 AM to 10 PM; or Saturday, 8 AM to 2 PM; Central Time.

EXHIBIT D
COPY OF CHECKS

ADDEL L MICHAEL
68 AVENUE #11
RAYONNH, NJ 07002-4842

199

8/15/2010

Pay to the Order of Wells Fargo Home Mortgage \$ 1578.25
Fifteen Hundred, Seventy Eight and 25/100 Dollars

COMMUNITY BANK

Account # 108-011396468 Adel Michael

⑆25671004⑆ 51650010096⑆ 0199

ADDEL L MICHAEL
68 AVENUE #11
RAYONNH, NJ 07002-4842

187

7/18/2010

Pay to the Order of Wells Fargo Home Mortgage \$ 1578.25
Fifteen Hundred, Seventy Eight and 25/100 Dollars

COMMUNITY BANK

Account # 108-011396468 Adel Michael

⑆25671004⑆ 51650010096⑆ 0187

ADDEL L MICHAEL
68 AVENUE #11
RAYONNH, NJ 07002-4842

173

6/8/2010

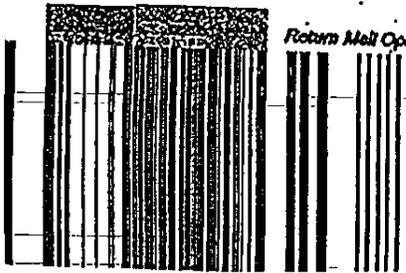
Pay to the Order of Wells Fargo Home Mortgage \$ 1578.25
Fifteen Hundred, Seventy Eight and 25/100 Dollars

COMMUNITY BANK

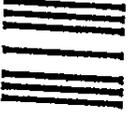
Account # 108-011396468 Adel Michael

⑆25671004⑆ 51650010096⑆ 0173

Return Mail Operations



Sheryl E. Montour, Esq.
Girges Law PLLC
530 Route 18 North
East Brunswick NJ 08816



082S0007694179
US
\$0.450
FIRST-CLASS
FROM 08816
APR 19 2012
stamps.com



Office of the Superior Court Clerk
P.O. Box 971
Trenton NJ 08606-0971



GIRGES LAW PLLC

530 Route 18 North
East Brunswick, New Jersey 08816
Telephone (732) 645-2113 Facsimile (888) 858-5840
www.girgeslaw.com

Hany H. Girges*
Sheryl E. Montour**
Catherine Dimiane**
* admitted in NY
** admitted in NY & NJ

Writer's Email: cdimiane@girgeslaw.com

October 15, 2012

Superior Court Clerk's Office
Foreclosure Processing Service
P.O. Box 971
25 Market Street
Trenton, NJ 08611-2148

RECEIVED
OCT 18 2012
SUPERIOR COURT
CLERK'S OFFICE

Re: HSBC Bank USA, National Association as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Asset-Backed Pass-Through Certificates Series 2007-PA6 v. Adel Micheal, et al
Docket No: F-009564-12
Property: 689 Avenue E, Bayonne, NJ 07002

Dear Sir or Madam:

We represent the defendant, Adel Micheal, in the above-captioned foreclosure matter.

In connection with the above-captioned matter, enclosed please find Opposition to Corrected Notices of Intent to Foreclose.

Please forward stamped "Filed" copy of the foregoing using the attached self-addressed prepaid envelopes.

Please contact us for any additional information or documents relative to the foregoing.

Very Truly Yours,



Catherine Dimiane, Esq.

cc: Zucker, Goldberg & Ackerman, LLC
Mark S. Melodia, Esq., Reed Smith LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540
Honorable Margaret Mary McVeigh, Superior Court of New Jersey, Chambers 100, 71 Hamilton Street, Paterson, NJ 07505