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FILED Sep 03, 2013

XCZ-163503/mcha
ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Petition, MidFirst Bank
200 Sheffield Street, Suite 101
Mountainside, NJ 07092-0024
1-908-233-8500

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY MIDFIRST BANK	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY GENERAL EQUITY PART DOCKET NO. F-12399-12 Civil Action **NOTICE OF MOTION TO REOPEN ORDER TO SHOW CAUSE TO ADMINSTER ADDITIONAL LOANS**

TO:

Chandler Louis
676 Stuyvesant Ave.
Irvington, NJ 07111

Iris Girau
146 Elizabeth Ave.
Hamilton, NJ 08610

Venisha Edmondson
28 Telford St
East Orange, NJ 07017

Heather Walker

Fabio Mendes
310 Second Street
Elizabeth, NJ 07206

Marcia Satchell
20 Thomas Street
Bloomfield, NJ 07003

Carol Seladones
1711 Willow Place
Gloucester, NJ 08021

Barrington Williams
126-128 Tuxedo Parkway
Newark, NJ 07106

Angela Ryan
64 Woodlake Drive, Unit 64
Evesham, NJ 08053

Cleophus Thompson
306 McCandless Street
Linden, NJ 07036

Ronald Boskey
400 West 3rd Ave
Runnemede, NJ 08078

William Leahey
2811 Hamilton Drive
Voorhees, NJ 08043

SIR/MADAM:

PLEASE TAKE NOTICE that on Friday, September 27at 9:00 a.m. or as soon thereafter as counsel may be heard, the undersigned attorneys for Petitioner will apply to the Hon. Margaret Mary McVeigh, P.J.Ch., Superior Court of New Jersey, Chancery Division-General Equity, Passaic County Courthouse, 71 Hamilton Street, Room 134, Paterson, NJ 07505, for an order reopening the above captioned Order to Show Cause for the purpose of administering additional cases.

PLEASE TAKE FURTHER NOTICE that in support of this application, Plaintiff will rely upon the annexed Certification of Thad Burr, Certification of Brian C. Nicholas, Esq. and Memorandum of Law. A proposed form of order is filed herewith. Oral argument is hereby waived unless opposition to this motion is filed. This motion shall be deemed uncontested unless responsive papers are timely filed and served stating with particularity the basis of the opposition to the relief sought.

ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Plaintiff

BY:
BRIAN C. NICHOLAS, ESQ.

Dated: 9/12/13

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ZUCKER, GOLDBERG & ACKERMAN, LLC
200 Sheffield Street, Suite 101
P.O. Box 1024
Mountainside, New Jersey 07092-0024
(908) 233-8500
Attorneys for Petitioner

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY MIDFIRST BANK	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION Civil Action Docket No: F-12399-12 **CERTIFICATION OF THAD BURR IN SUPPORT OF REOPENING PROCEEDING TO ADMINISTER ADDITIONAL CASES**

THAD BURR, of full age, hereby certifies as follows:

1. I am a First Vice President of MidFirst Bank (hereinafter "MidFirst"). In this capacity, I am the person responsible for managing the overall operations of the Foreclosure Department. As such, I have the authority to make this Certification on behalf of MidFirst. I am fully familiar with the facts set forth in this Certification and make this Certification in support of MidFirst's application to reopen this proceeding to administer additional loans that were not included in the original application.

2. There are a handful of loans that were not included in the original order to show cause application. The majority of these loans were in bankruptcy and therefore it was not permissible to send them a new Notice of Intention to Foreclose or take any other action in regard to their loan.

3. Attached as Exhibit "E" is a true and accurate list of the additional loans that MidFirst would like to administer in accordance with this Court's previous procedure.

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.

Thad Burr

THAD BURR

DATED: 8-21-13

Exhibit E

Docket No:	County:	Plaintiff:	Defendant:
F-14205-09	Essex	MidFirst Bank	Louis, Chadler
F-42838-09	Mercer	MidFirst Bank	Girau/Iris
F-22206-10	Essex	MidFirst Bank	Edmondson, Venisha
F-001493-11	Camden	MidFirst Bank	Walker, Heather
F-32773-09	Union	MidFirst Bank	Mendes, Fabio
F-38388-08	Essex	MidFirst Bank	Satchell, Marcia
F-31610-10	Camden	MidFirst Bank	Seladones, Carol
F-004593-11	Essex	MidFirst Bank	Williams, Barrington
F-003336-12	Burlington	MidFirst Bank	Ryan, Angela
F-001041-11	Union	MidFirst Bank	Thompson, Cleophus
F-009224-11	Camden	MidFirst Bank	Boskey, Ronald
F-36695-09	Camden	MidFirst Bank	Leahey/William

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ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Petitioner, MidFirst Bank
200 Sheffield Street, Suite 101
Mountainside, NJ 07092-0024
1-908-233-8500

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY MIDFIRST BANK	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY GENERAL EQUITY PART DOCKET NO. F-12399-12 Civil Action **CERTIFICATION OF BRIAN C. NICHOLAS, ESQ.**

Brian C. Nicholas, Esq. does hereby certify:

1. I am an attorney admitted to practice in the State of New Jersey and am an associate with the firm of Zucker, Goldberg & Ackerman, LLC, attorney for Petitioner, MidFirst Bank, in the above matter. As such, I have knowledge of the facts contained herein. I make this Certification in support of Petitioner's application to reopen the Order to Show Cause to administer additional loans.

2. On April 4, 2012, Chief Justice Stuart Rabner issued an Order, in furtherance of the Supreme Court's opinion in U.S. Bank National Association v. Guillaume, establishing an Order to Show Cause process for mortgage servicers to re-serve corrected Notice of Intentions to Foreclose (hereinafter "NOIs") in uncontested pre-judgment foreclosure actions.

3. MidFirst filed an Order to Show Cause (hereinafter "OSC") utilizing this procedure on July 3, 2012.

4. On July 18, 2012, the Honorable Margaret Mary McVeigh, P.J.Ch. issued an Order to Show Cause directing parties to appear on October 4, 2012 and show cause why

MidFirst should not be authorized to serve corrected NOIs pursuant to the process established by the Supreme Court.

5. The Order required MidFirst to serve the OSC package along with corrected NOIs on all borrowers in pre-judgment uncontested foreclosure cases.

6. The Order removed loans that were in an active bankruptcy, where the provisions of the automatic stay were still in effect, from this process.

7. On October 4, 2012, Judge McVeigh issued a Final Order in regard to this matter, deeming that MidFirst had completed the process to correct the NOIs and allowing the cases to proceed again.

8. Certain loans were not included in the initial OSC, so MidFirst now seeks to reopen the proceeding to administer the loans that were not previously administered.

9. The Certification of Thad Burr contains a facsimile of the original signature. The facsimile signature is a true and accurate representation of the original signature. The original document can be provided upon request by the Court.

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.

ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Petitioner, MidFirst Bank

BY: _____
BRIAN C. NICHOLAS, ESQ.

DATED: 9/2/13

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LEONARD B. ZUCKER
MICHAEL S. ACKERMAN
JOEL ACKERMAN*

FRANCES GAMBARDELLA
BRIAN C. NICHOLAS ◊
STEVEN D. KROL
CHRISTOPHER G. FORD
DENISE CARLON Δ
CHRISTINE E. POTTER
RYAN S. MALC
ASHLEIGH LEVY MARIN £
DOUGLAS J. McDONOUGH
TIMOTHY J. ZIEGLER
STEPHANIE WOLCHOK
ELIZABETH P. RIZZO
ROBERT D. BAILEY
JAIME R. ACKERMAN ♦
RACHEL G. PACKER ‡
KACIE W. BROWN
MONIKA S. PUNDALIK

* ALSO MEMBER OF NY, PA AND CA BAR
♦ ALSO MEMBER OF NY, PA AND ME BAR
◊ ALSO MEMBER OF NY AND ME BAR
Δ ALSO MEMBER OF NY BAR
£ ALSO MEMBER OF PA BAR
‡ ALSO MEMBER OF NY AND DC BAR

ZUCKER, GOLDBERG & ACKERMAN, LLC
ATTORNEYS AT LAW

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TELEPHONE: 908-233-8500
FACSIMILE: 908-233-1390
E-MAIL: office@zuckergoldberg.com

For payoff/reinstatement figures
Please send your request to: zuckergoldberg.com/pr

REPLY TO NEW JERSEY ADDRESS

FOUNDED IN 1923
AS ZUCKER & GOLDBERG

MAURICE J. ZUCKER (1918-1979)
LOUIS D. GOLDBERG (1923-1967)
LEONARD H. GOLDBERG (1929-1979)
BENJAMIN WEISS (1949-1981)

Pennsylvania Office:
P.O. Box 650
Hershey, PA 17033

OF COUNSEL:

SCOTT A. DIETTERICK, ESQ. ¥
KIMBERLY A. BONNER, ESQ. ¥
RALPH M. SALVIA, ESQ. ¥

¥ MEMBER OF PA BAR ONLY

XCZ-163503 September 3, 2013

Hon. Margaret Mary McVeigh, P.J.Ch.
Superior Court of New Jersey
Chancery Division-General Equity
Passaic County Courthouse
71 Hamilton Street
Room 134
Paterson, NJ 07505

Re: In Re Notices of Intention to Foreclose Served by MidFirst Bank

Docket No.: F-12399-12

Dear Judge McVeigh:

This Office represents the Petitioner in regard to the above captioned action. On July 3, 2012, MidFirst filed this Order to Show Cause pursuant to the Order issued by Chief Justice Stuart Rabner on April 4, 2012. On July 18, 2012, Your Honor issued an Order to Show Cause directing parties to appear on October 4, 2012 and show cause why MidFirst should not be authorized to serve corrected NOIs pursuant to the process established by the Supreme Court. At the time the initial order was entered, MidFirst advised the Your Honor that there were loans that

were not included in the initial application because the loans were in active bankruptcy proceedings. Accordingly, those loans were excluded from the proceeding until such time as the automatic stay was vacated or the bankruptcy was concluded.

On October 4, 2012, Your Honor issued a Final Order in regard to this matter, deeming that MidFirst had completed the process to correct the NOIs and allowing the cases to proceed again. At the final hearing, we advised that we had a handful of cases that were not included in the initial application that would need to be administered once it was feasible or allowable to do so. Some of the cases are now ready to be administered so we respectfully request that the Order to Show Cause be reopened for the purpose of administering these additional loans.

ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Petitioner, MidFirst Bank

BY: _____
BRIAN C. NICHOLAS, ESQ.

DATED:

RECEIVED TUESDAY 9/3/2013 11:32:20 AM 10868474

XCZ-163503/mcha
ZUCKER, GOLDBERG & ACKERMAN, LLC
Attorneys for Plaintiff
200 Sheffield Street, Suite 101
Mountainside, NJ 07092-0024
1-908-233-8500

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY MIDFIRST BANK	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION BERGEN COUNTY GENERAL EQUITY PART DOCKET NO. F-12399-12 Civil Action **PROOF OF SERVICE**

Melissa Chamberlain, hereby certifies as follows:

1. I am a legal assistant with Zucker, Goldberg & Ackerman, LLC, attorneys for Plaintiff herein. As such I have knowledge of the facts contained herein. I am responsible for service of the within motion upon all parties of record.

2. On September 3, 2013, our firm caused to have mailed a copy of the within Notice of Motion, supporting Certification and proposed for of Order to the following person(s) by regular and certified mail, return receipt requested:

Chandler Louis
676 Stuyvesant Ave.
Irvington, NJ 07111

Iris Girau
146 Elizabeth Ave.
Hamilton, NJ 08610

Venisha Edmondson
28 Telford St
East Orange, NJ 07017

Heather Walker

Fabio Mendes
310 Second Street
Elizabeth, NJ 07206

Marcia Satchell
20 Thomas Street
Bloomfield, NJ 07003

Carol Seladones
1711 Willow Place
Gloucester, NJ 08021

Barrington Williams
126-128 Tuxedo Parkway
Newark, NJ 07106

Angela Ryan
64 Woodlake Drive, Unit 64
Evesham, NJ 08053

Cleophus Thompson
306 McCandless Street
Linden, NJ 07036

Ronald Boskey
400 West 3rd Ave
Runnemede, NJ 08078

William Leahey
2811 Hamilton Drive
Voorhees, NJ 08043

I certify that the foregoing statements are true. I understand that if any of the foregoing statements are willfully false, that I am subject to punishment.

M Chamberlain
Melissa Chamberlain

Dated: September 3, 2013

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ZUCKER, GOLDBERG & ACKERMAN, LLC
200 Sheffield Street, Suite 101
P.O. Box 1024
Mountainside, New Jersey 07092-0024
(908) 233-8500
Attorneys for Petitioner

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY MIDFIRST BANK	SUPERIOR COURT OF NEW JERSEY PASSAIC COUNTY CHANCERY DIVISION Civil Action Docket No: F-12399-12 **ORDER TO REOPEN PROCEEDING TO ADMINISTER ADDITIONAL CASES**

THIS MATTER being brought before the court by the law firm of Zucker, Goldberg & Ackerman, L.L.C., attorneys for Petitioner, MidFirst Bank, seeking to reopen the above captioned proceeding to administer additional loans that were not included in the original application; and the Court having determined that it is appropriate for the proceeding to be reopened to administer the additional loans; and for good cause shown;

IT IS on this ___ day of _____ , 2013,

ORDERED that this matter is hereby reopened for the limited purpose of administering additional loans not included in the initial application; and

IT IS FURTHER ORDERED the parties in interest listed in Exhibits E to the Certification of Thad Burr appear and show cause on the _____ day of _____, 2013 before the Honorable Margaret Mary McVeigh, P.J.Ch., Superior Court, Passaic County, Chancery Division, at 71 Hamilton Street, Paterson, N.J. 07505 at _____ o'clock, why judgment should not be entered as follows:

A. Declaring Plaintiffs' Form Notice of Intention to Foreclose to be compliant with the requirements of the Fair Foreclosure Act; and

B. Allowing MidFirst to send new Notices of Intention to Foreclose, giving the borrower(s) at least thirty days from the date the letter is mailed to cure the default on the mortgage without having to pay legal fees or costs; and

C. 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 Amended 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, principle residence. Service shall be

attempted 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 Amended Verified Complaint shall be posted on the Judiciary Web Page at http://www.judiciary.state.nj.us.

3. Service of process shall include: a true copy of this Order, the initial Order to Show Cause, Amended Verified Complaint (without exhibits), and Amended Certification of Thad Burr (without exhibits).

4. Along with this Order, Petitioner may serve the corrective Notice of Intention to Foreclose allowing the borrower at least thirty 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 "1" of the Amended Certification of Thad Burr. Plaintiff shall also serve a Cover Letter in the form set forth in Exhibit "F" of the Amended Certification of Brian C. Nicholas, Esq.

5. 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

Attn: 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:

Honorable Margaret Mary McVeigh, P.J.Ch.
Passaic County Courthouse
71 Hamilton St., Chambers 100
Paterson, NJ 07505

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

Brian C. Nicholas, Esq.
Zucker, Goldberg & Ackerman, L.L.C.
200 Sheffield Ave, Suite 101
Mountainside, N.J. 07092

Objections to this Order to Show Cause must state with specificity the basis for the objection and must be filed no later than _____, 2013.

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 the Plaintiff, to the 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 _____, 2013. A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy directly to the Honorable Margaret Mary McVeigh, 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 _ ___ days before the date this matter is scheduled to be heard.

14. The Plaintiff shall file proof of service of the Amended 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 advised to the contrary no later than _____ days before the return date.

_____

Hon. Margaret Mary McVeigh, P.J.Ch.