

McCABE, WEISBERG & CONWAY, P.C.
 216 Haddon Avenue - Suite 303
 Westmont, New Jersey 08108
 (856) 858-7080
 Attorneys for Plaintiff
 Matter No. 435-0824-17470

<p>IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY FIFTH THIRD MORTGAGE COMPANY</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY</p> <p>Docket No.</p> <p>Civil Action</p> <p style="text-align: right;">F -020632-13</p> <p>VERIFIED COMPLAINT</p>
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Plaintiff, Fifth Third Mortgage Company, through their attorneys, McCabe, Weisberg & Conway, P.C., by way of Verified Complaint, hereby says as follows:

FACTS:

1. Fifth Third Mortgage Company (hereinafter "Fifth Third") is a mortgage lender headquartered in Cincinnati, Ohio.
2. Fifth Third originates 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 and determine if 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 Fifth Third 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 them 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, Fifth Third 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 Fifth Third currently uses and 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:

Fifth Third Mortgage Company

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 Fifth Third Mortgage Company 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, Fifth Third Mortgage Company 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 Fifth Third Mortgage Company is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

McCabe, Weisberg & Conway, P.C.
Attorneys for Plaintiff, Fifth Third Mortgage Company

Dated: 6/10/13

By: 
Lucas M. Anderson, 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 proceeded 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.



Lucas M. Anderson, Esq.

Dated: 6/10/13

VERIFICATION

I, Jason Flynn, of full age certify as follows:

1. I am an Officer of Fifth Third Mortgage Company.
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: 
Jason Flynn
Officer

DATED: *May 28, 2013*

Exhibit A

FIFTH THIRD MORTGAGE COMPANY
5001 Kingsley Drive , 1MOB19, Cincinnati, OH 45227
1-800-375-1745, option 3

[Date]

Via Certified Mail, Return Receipt Requested & Regular Mail
[Receipt Number]

[NAME]
[Property ADDRESS]
[CITY, STATE ZIP]

[NAME]
[Mailing Address, if different]
[CITY, STATE ZIP]

RE:

Original Mortgage to (*Lender and Address*), *Date signed*
Current Mortgage Holder ("*Lender and Address*")
Attn: (*Barbara Ibold and 1-800-375-1745, option 3*)
Mortgage Servicer ("Servicer"):
Loan Number: [XXXXXXXX]
[Property Address]

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

Dear [Borrower]:

The Mortgage serviced by [FIFTH THIRD MORTGAGE COMPANY] on your property located at [Property Address] is in default. **This situation is serious and we intend to institute a foreclosure lawsuit against you.** Please be advised of the following:

The Note/Loan Agreement you executed on [Note Date] in the amount of \$[Original Loan Amount], which is secured by a first mortgage on the above-referenced property dated [Mortgage Date] currently held by [FIFTH THIRD MORTGAGE COMPANY] is in default, because we have not received the installments due in the amount of [Default Amount], for the months of [Month, Year], through [Month, Year].

As of the date of this letter, the amount you owe to bring this loan current is \$[Amount], the said Mortgage is in default because regular monthly payments have not been maintained according to the terms of the Mortgage contract. Specifically, the following payments and/or other contractual charges are due, unpaid and owing:

The information contained is subject to change without notice. Loans are subject to credit review and approval. Fifth Third Mortgage Company, 5001 Kingsley Drive, Cincinnati, Ohio 45227. Fifth Third Mortgage is the trade name used by Fifth Third Mortgage Company and Fifth Third Mortgage-MI, L.L.C. Fifth Third and Fifth Third Bank are registered service marks of Fifth Third Bancorp. Member FDIC. Equal Housing Lender. 

SCHEDULE OF ARREARAGES

LOAN #: [XXXXXXXXXX]

REINSTATEMENT COSTS

Payments

Escrow/Impound Required

Late Fees

Property Inspection(s)

TOTAL AMOUNT TO REINSTATE

BALANCE DUE BY [DUE DATE]

PAYOFF COSTS

Present Principal Balance

Interest to [Date]

Escrow/Impound Required

MI Premium Due

Late Fees

Fees Required with Payoff

Property Inspections(s)

TOTAL AMOUNT TO PAYOFF

BALANCE DUE BY [DUE DATE]

Explanation of other charges:

RIGHT TO CURE DEFAULT

You may cure your default by paying \$[Amount], to us, which amount must be received by us on or prior to thirty-five (35) days from the date of this letter. You must also pay any other scheduled installment and late charge which will become due to us during this time period. Your payment must be mailed to:

FIFTH THIRD MORTGAGE COMPANY
5001 Kingsley Drive, 1MOB19
Cincinnati, OH 45227,
Loss Mitigations/Barbara Ibold 1-800-375-1745, option 3

Alternatively, you may choose to cure the default by paying the loan in full. As of the date of this letter, the amount necessary to pay the loan in full is \$[Payoff Amount], the detail for which is attached hereto as well. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day we receive your payment may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection. For further information, write the undersigned or call us at **800-375-1745, option 3**.

FIFTH THIRD MORTGAGE COMPANY
5001 Kingsley Drive, 1MOB19
Cincinnati, OH 45227,
Loss Mitigations/Barbara Ibold 1- 800-375-1745, option 3

Your payment must be in the form of a certified or bank check or money order with our account number included thereon.

FAILURE TO CURE

IF YOU FAIL TO CURE THE DEFAULT(S) STATED ABOVE BY THIRTY-FIVE (35) DAYS FROM THE DATE OF THIS LETTER THEN WE MAY COMMENCE A FORECLOSURE ACTION AGAINST YOU WHICH MAY RESULT IN A JUDGMENT OF FORECLOSURE BEING ENTERED AGAINST YOU AND THE MORTGAGED PROPERTY BEING SOLD AT A SHERIFF'S SALE. IN THE EVENT OF A JUDGMENT OF FORECLOSURE AND SALE BY THE SHERIFF, YOU WILL LOSE ALL OWNERSHIP RIGHTS IN THE PROPERTY.

RIGHT TO CURE AFTER FORECLOSURE COMMENCED

IN THE EVENT WE COMMENCE A FORECLOSURE ACTION AGAINST YOU, YOU WILL STILL HAVE A RIGHT TO CURE THE DEFAULT PURSUANT TO THE NEW JERSEY FAIR FORECLOSURE ACT, PRIOR TO THE ENTRY OF THE FORECLOSURE JUDGMENT, PROVIDED, HOWEVER, YOU WILL BE REQUIRED TO REIMBURSE US FOR ANY AND ALL COURT COSTS AND ATTORNEYS' FEES INCURRED BY US IN COMMENCING AND PROSECUTING THE FORECLOSURE ACTION. THE ATTORNEYS' FEES SHALL NOT

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EXCEED THE AMOUNT PERMITTED BY THE RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY.

RIGHT TO TRANSFER OWNERSHIP

In the event you transfer ownership of the property 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 pursuant to the provisions of the New Jersey Fair Foreclosure Act and further subject to the provisions of the Mortgage documents.

RIGHT TO SEEK LEGAL COUNSEL

You are hereby advised to seek advice from an attorney of your own choosing concerning your rights under the mortgage documents and the New Jersey Fair Foreclosure Act.

If you are unable to obtain an attorney, you may communicate with the New Jersey State Bar Association or the Lawyer Referral Service in the county in which residential property securing the Mortgage loan is located. These numbers are listed on the attached Schedule of Arrearages.

If you are unable to afford an attorney, you may be eligible for free subsidized legal assistance and you may communicate with the Legal Services Office in the county in which the mortgaged property is located.

POSSIBLE FINANCIAL ASSISTANCE

You are hereby advised that there may be financial assistance available to you to help you cure your default through programs operated by the New Jersey State Government, United States Government or non-profit organizations, if any, identified by the Commissioner of Banking of the State of New Jersey. You are advised to contact the **New Jersey Commissioner of Banking at 20 W. State Street, CN 040, Trenton, NJ 08625**, by calling **609-292-7272** and inquiring about the programs that may be available to you in order to assist you in curing your default under your mortgage loan. Annexed hereto is a list of such Financial Assistance Agencies which may help you.

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:

FIFTH THIRD MORTGAGE COMPANY
5001 Kingsley Drive, 1MOB19
Cincinnati, OH 45227,
Loss Mitigations/Barbara Ibold 1-800-375-1745, option 3

Very truly yours,

[FIFTH THIRD MORTGAGE COMPANY]

**NOTICE REQUIRED BY THE
FAIR DEBT COLLECTION
PRACTICES ACT, (the act),
15 U.S.C. SECTION 1692, et seq.**

To the extent the Act may apply, please be advised of the following:

1. The amount of the original debt is stated in paragraph two of the Notice of Intention to Accelerate and Foreclose (N.J.S.A.2A:50-50) attached hereto.
2. The Entity who is named in the attached Notice of Intention to Accelerate and Foreclose (N.J.S.A.2A:50-50) Mortgage is the Creditor to whom the debt is owed.
3. The debt described in the Notice attached hereto will be assumed to be valid by the Creditor's law firm, unless the Debtor(s), within thirty five days after receipt of this Notice, disputes the validity of the debt or some portion thereof.
4. If the Debtor notifies the Creditor's law firm within thirty five days of the receipt of this Notice that the debt or any portion thereof is disputed, the Creditor's law firm will obtain verification of the debt and a copy of the verification will be mailed to the Debtor by the Creditor's law firm.
5. If the Creditor is not the original creditor, and if the Debtor makes a request to the Creditor's law firm within thirty days from the receipt of this notice, the name and address of the original Creditor will be mailed to the Debtor by the Creditor's law firm.
6. The request should be addressed:

[FIFTH THIRD MORTGAGE COMPANY]
5001 Kingsley Drive, 1MOB19
Cincinnati, OH 45227,
Attention: Barbara Ibold

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

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 change 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.

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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

Urban League of Union County
288 North Broad Street
Elisabeth, NJ 07208
(908) 351-7200

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

Urban League for Essex County
508 Central Avenue
Newark, NJ 07101
(973) 624-9535

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

UNLESS YOU NOTIFY US IN WRITING WITHIN THIRTY FIVE (35) 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.

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL: 609-345-3444
LEGAL SERVICES: 609-348-4200

CAMDEN COUNTY

Deputy Clerk of the Superior Court
Civil Processing Office
1st Floor, Hall of Justice,
101 S. 5th Street,
Camden, NJ 08103
LAWYER REFERRAL: 609-964-4520
LEGAL SERVICES: 609-964-2010

ESSEX COUNTY

Deputy Clerk of the Superior Court
237 Hall of Records
465 Dr. Martin Luther King, Jr.
Blvd.
Newark, NJ 07102
LAWYER REFERRAL: 973-622-6207
LEGAL SERVICES: 973-624-4500

HUNTERDON COUNTY

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862
LAWYER REFERRAL: 908-735-2611
LEGAL SERVICES: 908-782-7979

BERGEN COUNTY

Deputy Clerk of the Superior Court
Case Processing Section, Rm. 119
Justice Center
10 Main Street
Hackensack, NJ 07601-0769
LAWYER REFERRAL: 201-488-0044
LEGAL SERVICES: 201-487-2166

CAPE MAY COUNTY

Deputy Clerk of the Superior Court
Central Processing Office
9 N. Main Street, Box DN-209
Cape May Court House, NJ 08210
LAWYER REFERRAL: 609-463-0313
LEGAL SERVICES: 609-465-3001

GLOUCESTER COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office

Attn: Intake
1st Floor, Court House
Woodbury, NJ 08096
LAWYER REFERRAL: 609-848-4589
LEGAL SERVICES: 609-848-5360

MERCER COUNTY

Deputy Clerk of the Superior Court
Local Filing Office
Courthouse, 175 S. Broad Street
P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL: 609-890-6200
LEGAL SERVICES: 609-695-6249

BURLINGTON COUNTY

Deputy Clerk of the Superior Court
Central Processing Section
Attn: Judicial Intake, First Floor
Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL: 609-261-4862
LEGAL SERVICES: 609-261-1088

CUMBERLAND COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad and Fayette Streets
P.O. Box 615, Bridgeton, NJ 08302
LAWYER REFERRAL: 609-692-6207
LEGAL SERVICES: 609-451-0003

HUDSON COUNTY

Deputy Clerk of the Superior Court

Civil Records Dept.
Brennan Court House, 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL: 201-798-2727
LEGAL SERVICES: 201-792-6363

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court,
Administration Building, Third floor
1 Kennedy Square
P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL: 732-828-0053
LEGAL SERVICES: 732-249-7600

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
71 Monument Park
P.O. Box 1262
Courthouse, East Wing
Freehold, NJ 07728-1262
LAWYER REFERRAL: 732-431-5544
LEGAL SERVICES: 732-866-0020

PASSAIC COUNTY

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL: 973-278-9223
LEGAL SERVICES: 973-345-7171

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL: 973-267-5882
LEGAL SERVICES: 973-383-7400

MORRIS COUNTY

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Place
P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL: 973-267-5882
LEGAL SERVICES: 973-285-6911

SALEM COUNTY

Deputy Clerk of the Superior Court
92 Market Street
P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL: 609-678-8363
LEGAL SERVICES: 609-451-0003

UNION COUNTY

Deputy Clerk of the Superior Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207
LAWYER REFERRAL: 908-353-4715
LEGAL SERVICES: 908-527-4769

OCEAN COUNTY

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL: 732-240-3666
LEGAL SERVICES: 732-341-2727

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Floor
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL: 908-685-2323
LEGAL SERVICES: 908-231-0840

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House
Belvidere, NJ 07823-1500
LAWYER REFERRAL: 201-267-5882
LEGAL SERVICES: 908-475-2010

VERIFICATION

I, Jason Flynn, of full age certify as follows:

1. I am an Officer of Fifth Third Mortgage Company.
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: 
Jason Flynn
Officer

DATED: *MAY 28, 2013*

Exhibit C

Count One

	A	B	C	D	E
1	COUNTY	DOCKET	PLAINTIFF	BORROWERS	
2	Mercer	F-16895-10	Fifth Third Mortgage Company	Christine K. Granaldi and Daniel J. Granaldi	
3	Atlantic	F-21362-10	Fifth Third Mortgage Company	Jason Silverstein	
4	Somerset	F-49484-09	Fifth Third Mortgage Company	Eduardo P. Garcia, Victor A. Garcia-Diaz, and Eduardo M. Garcia-Diaz	
5	Bergen	F-36690-09	Fifth Third Mortgage Company	German Bueno and Luz Bueno	
6	Hudson	F-46960-10	Fifth Third Mortgage Company	Luz R.G. Albarracin	
7	Sussex	F-054607-10	Fifth Third Mortgage Company	Gretchen E. Wiley	
8	Somerset	F-059272-10	Fifth Third Mortgage Company	Elaine Garza and Paul Garza, III	
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Exhibit B

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

[Date]

[Defendant's Name(s)]

[Defendant's Address]

[Defendant's City, State ZIP]

Re: Order to Show Cause-[Docket]
Your Foreclosure Action-[Caption and Docket Number of Defendant's Foreclosure Action]

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 _____, 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 *Fifth Third Mortgage Company* 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: Fifth Third Mortgage Company

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 Fifth Third Mortgage Company, 1-800-375-1745, option 3, 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 Fifth Third Mortgage Company, 1-800-375-1745, option 3. 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 Lucas M. Anderson, Esq., at 216 Haddon Avenue, Suite 303, Westmont, NJ 08108, and mail a copy of the objection to Judge Innes 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.