

FEIN, SUCH, KAHN & SHEPARD, PC

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Attorneys for Movant, Third Federal Savings and Loan Association
of Cleveland

WNA735
WNA565
WNA605

	:	SUPERIOR COURT OF NEW JERSEY
	:	CHANCERY DIVISION
	:	COUNTY
IN THE MATTER OF APPLICATION BY	:	
THIRD FEDERAL SAVINGS AND LOAN	:	DOCKET NO.: F-021960-12
ASSOCIATION TO ISSUE CORRECTIVE	:	Civil Action
NOTICES OF INTENT TO FORECLOSE	:	
AS PLAINTIFF IN UNCONTESTED	:	ORDER TO SHOW CAUSE
RESIDENTIAL MORTGAGE	:	
FORECLOSURE CASES,	:	
	:	
	:	
	:	

THIS MATTER being brought before the Court by Fein Such, Kahn and Shepard, P.C., attorneys for the applicant, THIRD FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND, (hereinafter referred to as "Third Federal"), the foreclosure plaintiff in pending foreclosure actions in New Jersey, seeking relief by way of a summary proceeding, to direct the entry of an Order permitting the movant to issue a corrective Notice of Intent to Foreclose ("hereinafter referred to as "NOI"), and

based upon the New Jersey Supreme Court's decision in U.S. Bank v. Guillaume, 209 N.J. 449 (2012), the implementing Order of Chief Justice Stuart Rabner of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

IT IS on this _____ day of _____, 2012,

ORDERED, that the Foreclosure Defendants who appear on the Annexed Schedule as Exhibit "A" annexed hereto appear and show cause before the Superior Court of New Jersey at the _____ County Courthouse in _____, New Jersey at _____ o'clock in the forenoon on _____, 2012 to object to this Court's allowing Third Federal to issue corrective Notices of Intent to Foreclose pursuant to this Order to Show Cause, and why an Order should not be entered as follows:

1. Declaring Plaintiff's proposed form of Notice of Intention to Foreclose to be compliant with the New Jersey Fair Foreclosure Act, N.J.S.A. 2A:5-53, et seq., and
2. Permitting Third Federal, the applicant herein to mail new Notices of Intention to Foreclose, permitting the borrowers set forth in the schedule annexed hereto at least thirty (30) days from the date of the letter is mailed to cure the default on their mortgage, absent any attorney's fees or court costs, and
3. Granting such other and further relief as this Court may deem just and equitable within the instant circumstances.

IT IS FURTHER ORDERED, that:

- A.** As instructed by the New Jersey Supreme Court in its April 4, 2012 Order, Applicant Third Federal shall issue

a corrective Notice of Intention to Foreclose in the form attached hereto as an Exhibit, along with an Explanatory Letter in the form promulgated by the Court and also attached hereto as Exhibit "B", to each defendant/mortgagor and/or parties obligated on the debt (hereinafter referred to as "Foreclosure Defendants"), in the pending uncontested foreclosure action(s) along with a copy of this Order to Show Cause and Verified Complaint within _____ days of the date of the entry of this Order.

B. That Third Federal will issue a corrective Notice of Intent to Foreclose (hereinafter referred to as "NOI") in the form attached as Exhibit B to the Verified Complaint, and shall attach such NOI to the Explanatory letter made reference to in paragraph A above. The corrective NOI will not include any attorney's fees or foreclosure costs which have been incurred in the pending foreclosure matters. Such corrective NOI, Explanatory letter, Verified Complaint and Order to Show Cause (hereinafter referred to as "the Order to Show Cause Package") will be mailed by Certified Mail, return receipt requested and by ordinary mail to the last known address of the borrowers/ persons obligated under the Note, as husband and wife, if applicable. All interested parties who reside within the United States shall also be served by publication as further outlined below in this Order.

C. A copy of this Order to Show Cause and Verified

Complaint shall be posted the New Jersey Courts website at www.judiciary.state.nj.us.

D. Along with this Order to Show Cause, Applicant Third Federal may serve the corrective Notice of Intention to Foreclose allowing the borrower at least thirty (30) days to cure the default on their subject mortgage without having to pay attorney's fees or court costs, in a form attached to the application herein. Plaintiff will also include a Cover letter in the form annexed hereto as Exhibit "C".

a. For any borrower who is in an active bankruptcy action in which the provisions of the Automatic Stay under Federal Law are currently in effect, Plaintiff may serve a copy of this Order to Show Cause and Amended Verified Complaint but may choose to delay serving a corrective notice of Intention to Foreclose until such time as relief from the automatic stay has been obtained, if the applicant believes that doing so would be deemed violative of the automatic stay.

E. Applicant will publish the legal notice of this action in the form set forth in Exhibit "D" to the Certification of Shari Seffer, Esq., in support of this application at least _____ days prior to _____, 2012, in each of the following newspapers:

- a. The Star Ledger,
- b. Bergen Record,
- c. Atlantic City Press, and
- d. Gloucester County Times.

F. Third Federal shall file with the Court a proof of service of the Order to Show Cause Package on the Foreclosure Defendants no later than nine (9) days prior to the return date of the Order to Show Cause.

G. The Court will only entertain objections to the process outlined in the New Jersey Supreme Court's Order of April 4, 2012. Any party in interest who wishes to object to the process must file an objection bearing the docket number in this action, **IN WRITING**.

H. YOU, THE FORECLOSURE DEFENDANTS, will have until _____, 2012 in which to OBJECT to the Order to Show Cause, the issuance of the Corrective Notice of Intent to Foreclose and or/the content of the Corrective Notice of Intent to Foreclose. Any objections to this Order to Show Cause or the issuance of the Corrective NOI shall be made in writing stating forth the basis of the objection with specificity. Said objection must be filed with the Clerk of the Superior Court of New Jersey, CN 971, Trenton, New Jersey 08625 and to Fein, Such Kahn and Shepard, P.C., Attention Shari Seffer, Esq., attorneys for the applicant at 7 Century Drive, Parsippany, New Jersey 07054. A telephone call will not protect your rights and you may not appear in person

before the Clerk of the Superior Court in Trenton, New Jersey. You must file and serve your objection as set forth above if you want the court to hear your objection to the relief that Third Federal is seeking.

I. You, foreclosure defendants also have the right to object to the corrective Notice of Intent to Foreclose you receive. You will also have thirty (30) days from the date of service of the Notice of Intent to Foreclose to cure your default. If you object to any of the corrections, you must file a written objection under the docket number OF YOUR FORECLOSURE ACTION as set forth in the schedule annexed hereto. You must set forth your objection with specificity and file your objection with the Superior Court Clerk's office, CN 971, Trenton, New Jersey 08625, on or before _____, 2012. You must also serve a copy of the objection on Third Federal's attorney, Shari Seffer, Esq., at Fein Such Kahn and Shepard, P.C., 7 Century Drive, Parsippany, New Jersey 07054 and mail a copy of your objection to the Judge who has signed this Order to Show Cause (see which Judge noted below with an 'x').

() Honorable Margaret Mary McVeigh, Judge, Superior Court of New Jersey Passaic County, 71 Hamilton Street, Chambers 100, Paterson, New Jersey 07505.

() Honorable Paul Innes, Judge, Superior Court of New Jersey, Chancery Division, Mercer County, Mercer County Civil Court Building, 175 South Broad Street, P.O. Box 8068, Trenton, New Jersey 08650-0068.

J. In the event that a foreclosure action has been

suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the Order to Show Cause Package shall not be sent unless or until the stay has been lifted or loss mitigation options have ceased. In such circumstances, the following procedure shall be used;

K. Third Federal shall mail the Order to Show Cause package within forty-five (45) days of the lifting of the automatic stay in bankruptcy or suspension of the foreclosure action. You, the foreclosure defendant will have either thirty (30) days in which to object to the corrective, Notice of Intent to Foreclose or thirty days from the date of the service of the Order to Show Cause Package to cure your default. Any objection to the relief set forth in this Order to Show Cause, which written objection must be set forth with specificity, shall be in writing to the County in which your foreclosure action is pending as noted in the schedule annexed hereto. You must also send a copy of your written objection to Third Federal's attorneys, Fein Such Kahn and Shepard, P.C., Attn: Shari Seffer, Esq., or the court handling your foreclosure action will not be able to consider your objection.

L. If the foreclosure defendant cannot afford an attorney, you may call the Legal Services Office in the County in which you live. A list of these offices is provided with the Corrective NOI.

M. If a written objection has been properly filed and

served, the Applicant's written reply to same shall be filed and served by _____, 2012. A copy of the reply, if any shall be served upon the Clerk of the Superior Court in Trenton and to the Judge assigned to the case as well as the to the objecting party.

N. A proposed form of Order addressing the relief sought on the return date (along with a self-addressed, stamped envelope with proper postage affixed thereon) must be submitted to the court no later than nine (9) days prior to the return date of this Order to Show Cause.

O. The Court will entertain oral argument, but not testimony, on the return date of the Order to Show Cause, unless Third Federal is advised to the Contrary no later than _____, 2012 which date is before the return date of this Order to Show Cause.

P. A proposed form of Order is annexed hereto.

J.S.C.

SCHEDULE OF CASES

<u>Borrowers name</u>	<u>Our file #</u>	<u>Docket #</u>	<u>County</u>
Mitchell Goldfarb Marilyn Goldfarb	WNA735	F-5395-11	Ocean
John Cuomo Flora Cuomo	WNA565	F-22811-10	Monmouth
Yitzchok Singer Shoshana Singer	WNA605	F-43349-10	Ocean

CERTIFIED MAIL (RRR) AND REGULAR MAIL

(Name of Debtor)
(Street Address of Debtor)
City/State/Zip

NOTICE OF DEFAULT AND INTENTION TO FORECLOSE RE:

LOAN NO: (loan #)
PROPERTY ADDRESS:

Dear (Name of Debtor):

This notice is regarding the mortgage loan held by, the lender, (name of bank), (address of bank). The mortgage loan is secured by the below property.

Property Street
Address)
City/State/Zip

The original principal amount of the mortgage is \$180,000.00.

As you know, this loan is currently being serviced by ABCDEF Secured Creditor, 124 Main Street, Anytown, USA 12345 .

Your mortgage payments are past due for through the present payment, which puts you in default of your loan agreement. As of (current date) you owe the following:

# of Payments & (payment amount).....	\$
Accrued late charges.....	\$
Property Preservation.....	\$
Suspense.....	\$
Total Due.....	\$

You may cure your default, by paying or tendering funds in the amount of \$ on or before . Your payment must be in Certified Funds, (Cashier's Check, Money Order or Certified Check) made payable to , 124 Main Street, Anytown, USA 12345 , payment must be received in our office on or before , at:

FEIN, SUCH, KAHN AND SHEPARD, PC
7 CENTURY DRIVE, SUITE 201
PARSIPPANY, NJ 07054
PHONE #: (973)538-4700
C/O Shari Seffer

If you send in your payment to FEIN, SUCH, KAHN AND SHEPARD, PC on or after the first of (next month), you will need to include (next month)'s payment in order to bring your loan current.

If you do not cure the default by , (name of bank) intends take steps to terminate your ownership interest of the property by continuing with a foreclosure suit in the Chancery court.

You have the right to reinstate your account until a judgment of foreclosure is entered. However, if a foreclosure is continued because you have not cured the default in addition to curing all missed payments, late charges, and other necessary items, you will be required to pay for lender's court costs attorney fees in an amount not to exceed that amount permitted pursuant to Rules Governing the Courts of the State of New Jersey.

At any time you may transfer your property to another person and that person may have the right to cure the default, if the mortgage documents allow.

You have the right to, and should immediately, seek counsel from an attorney of your own choosing concerning this default situation, and if you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association or Lawyer Referral Service in the county where the mortgage property is located. If you are unable to afford an attorney, you may communicate with the legal service offices in the county in which the property is located. A directory with contact information for local legal services offices and Lawyer referral services is available in the Civil Division Management Office in the county where you reside or on line at http://www.judiciary.state.nj.us/prose/l0153_deptyclerklawref.pdf.

There may be financial assistance available for curing a default from programs by the state or federal government or non-profit organizations. You may wish to call the following numbers to determine whether you qualify for assistance:

HUD Housing Counseling Services: 1-800-569-4287
Veterans' Administration: 1-800-827-1000
New Jersey Commissioner of Banks: 1-609-292-3420

The New Jersey Department of Banking and Insurance also promulgates a list of organizations that may be able to provide assistance. A copy of that list is enclosed with this notice.

If you disagree with the assertion that a default has occurred or the correctness of the calculated amount required to cure the default, contact the servicer at serviced by ABCDEF Secured Creditor, 124 Main Street, Anytown, USA 12345 .

Sincerely,

Shari Seffer

Counsel for

Fair Foreclosure Act Notice of Intention to Foreclose - List of Entities Providing Assistance

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.

<p>American Credit Alliance, Inc. 26 S. Warren St. Trenton, NJ 08608 609-393-5400</p>	<p>Atlantic Human Resources, Inc. 1 S. New York Ave. Atlantic City, NJ 08401 609-348-4131</p>	<p>Consumer Credit Counseling Service of Central New Jersey 1931 Nottingham Way Hamilton, NJ 08619 609-586-2574</p>
<p>Consumer Credit Counseling Service of New Jersey 185 Ridgedale Ave. Cedar Knolls, NJ 07927-1812 973-267-4324</p>	<p>Fair Housing Council of Northern New Jersey 131 Main St. Hackensack, NJ 07601 201-489-3552</p>	<p>Garden State Consumer Credit Counseling, Inc. 225 Willowbrook Road Freehold, NJ 07728 1-800-992-4557</p>
<p>Jersey Counseling & Housing Development, Inc. 29 S. Blackhorse Pike Blackwood, NJ 08012 856-227-3683</p>	<p>Jersey Counseling & Housing Development, Inc. 1840 S. Broadway Camden, NJ 08104 856-541-1000</p>	<p>Mercer County Hispanic Association 200 E. State St., 2nd Floor Trenton, NJ 08607 609-392-2446</p>
<p>Middlesex County Economic Opportunities Corporation 1215 Livingston Ave. North Brunswick, NJ 08902 732-790-3344</p>	<p>Monmouth County Human Services Housing Services Unit P.O. Box 3000 Freehold, NJ 07728 732-431-7998</p>	<p>NJ Citizen Action (main office/financial education center) 744 Broad St., Suite 2080 Newark, NJ 07102 973-643-8800 1-800-NJ-OWNER (loan counseling) 1-888-TAXES-11 (free tax preparation assistance)</p>
<p>NJ Citizen Action (Central Jersey) 85 Raritan Ave., Suite 100 Highland Park, NJ 08904 732-246-4772</p>	<p>NJ Citizen Action (South Jersey) 2 Riverside Drive, Suite 362 Camden, NJ 08103 856-966-3091</p>	<p>Ocean Community Economic Action Now, Inc. 22 Hyers St. Toms River, NJ 08753-0773 732-244-2351, ext. 2</p>
<p>Paterson Coalition for Housing, Inc. 262 Main St., 5th Floor Paterson, NJ 07505 973-684-5998</p>	<p>Paterson Task Force for Community Action, Inc. 155 Ellison St. Paterson, NJ 07505 973-279-2333</p>	<p>Puerto Rican Action Board Housing Coalition Unit 90 Jersey Ave. New Brunswick, NJ 08903 732-249-9700</p>
<p>Tri-County Community Action Agency, Inc. 110 Cohansy St. Bridgeton, NJ 08302 856-451-6330</p>	<p>Urban League for Bergen County 106 W. Palisade Ave. Englewood, NJ 07631 201-568-4988</p>	<p>Urban League for Essex County 508 Central Ave. Newark, NJ 07101 973-624-9535</p>
<p>Urban League of Union County 288 N. Broad St. Elizabeth, NJ 07208 908-351-7200</p>	<p>Homelessness Prevention Program New Jersey Department of Community Affairs (866) 889-6270*</p>	

*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 income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

Form Letter to be Attached to Corrected NOIs Pursuant to an Order to Show Cause

[Letterhead of Plaintiff's Attorney]

[Date]

[Defendant Name(s)]
[Defendant Address]
[Defendant City, State ZIP]

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

Dear [Defendant Name(s)]:

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 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 [month] [day], 2012, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, [Hon. Paul Innes, P.J.Ch., Mercer Vicinage or Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage], gave permission to [plaintiff or servicer name] 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 [plaintiff name] 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. Attachment [___] to the verified complaint, which lists the foreclosure actions in which [plaintiff name] is the plaintiff that pertain to Count [___] of the verified complaint, identifies the foreclosure action in which you are a defendant. Copies of these documents will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>.

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 named 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 [*plaintiff or servicer name*] at [*telephone number*]. 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, [*attorney name*], at [*attorney address*], and mail a copy of the objection to [Judge Innes or Judge McVeigh] at [*address*].

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 SCCOForeclosure.Mailbox@judiciary.state.nj.us.

NOTICE

Docket No: F- _____
Superior Court of New Jersey
Chancery Division

STATE OF NEW JERSEY TO:

**Any defendant in an uncontested residential mortgage
foreclosure action in which Third Federal Savings and
Loan Association of Cleveland is the Plaintiff.**

YOU ARE HEREBY ORDERED TO SHOW CAUSE why the relief requested in the Order to Show Cause and Verified Complaint filed by Third Federal Savings and Loan Association of Cleveland in a civil action pending in the Superior Court of New Jersey, Chancery Division, bearing docket no. F- _____-12, should not be granted by the Court. Copies of all of the pleadings filed in the instant action may be obtained from the Court's website located at <http://www.judiciary.state.nj.us>.

This action has been instituted for the purpose of determining whether the Court should allow Third Federal Savings and Loan Association to re-send Corrective Notices of Intention to Foreclose pursuant to a process established by Order of the New Jersey Supreme Court on April 4, 2012. Any objection to this action must be in writing with specificity and filed with the Clerk of the Superior Court of New Jersey, Hughes Justice Complex, CN971, Trenton, NJ 08625 and the Honorable _____, New Jersey and upon Shari Seffer, Esq., Fein Such Kahn and Shepard, P.C., 7 Century Drive, Parsippany, New Jersey 07054. Any written objection must be filed no later than _____. If a timely objection is filed, the Court may conduct oral argument on _____, 2012. If no timely objection is filed, the Court may rule on the application on the papers on the return date above.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services offices and Lawyer Referral Services is available in the Civil Division Management Office in the county in which you reside and online at:

http://www.judiciary.state.n.j.us.prose/10153_deptyclerklawref.pdf.

s/Jennifer Perez
Clerk of the Superior Court of NJ