

CAROL ANN SLOCUM, ESQUIRE
ROBERT P. JOHNS III, ESQUIRE
KLEHR HARRISON HARVEY BRANZBURG LLP
(A Pennsylvania Limited Liability Company)
457 Haddonfield Road, Suite 510
Cherry Hill, NJ 08002
(856) 486-7900 Telephone
Attorneys for Emigrant Mortgage Company, Inc.

**IN RE SPECIAL SUMMARY ACTION
AUTHORIZED BY ORDER OF THE
NEW JERSEY SUPREME COURT
DATED APRIL 4, 2012 BY
EMIGRANT MORTGAGE
COMPANY, INC. TO ISSUE
CORRECTED NOTICES OF INTENT
TO FORECLOSE**

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

DOCKET NO. F-024626-13

ORDER TO SHOW CAUSE

THIS MATTER being brought before the Court by the law firm of Klehr Harrison Harvey Branzburg LLP, attorneys for Emigrant Mortgage Company, Inc. ("Emigrant"), seeking relief by way of summary action as set forth in Chief Justice Stuart Rabnor's April 4, 2012 Order and based upon the facts set forth in the Verified Complaint filed herewith, and based upon the Court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2 and for good cause shown;

It is on this _____ day of _____, 2013,

ORDERED that the parties in interest listed in Exhibit "B" of the Verified Complaint appear and show cause on the _____ day of _____, 2013, before The Honorable Paul Innes, P.J.Ch., Superior Court, Mercer County, Chancery Division at 175 S. Broad Street, Trenton, NJ 08650 at _____ o'clock, why judgment should not be entered as follows:

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

B. Allowing Plaintiff to send new Notice 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.

1. Plaintiff shall serve a copy of this Order to Show Cause and Verified Complaint 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 in the matters listed in Exhibit "B" of the Verified Complaint. Service shall be effectuated 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. True copies of this Order to Show Cause and the Verified Complaint shall be posted on Judiciary Web Page at <http://www.judiciary.state.nj.us>.

3. True copies of this Order to Show Cause and the Verified Complaint shall be served upon borrowers listed in Exhibit "B" to the Verified Complaint, by certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any borrower listed in Exhibit "B" of the Verified Complaint who resides outside the United States) and regular mail. All other interested parties shall be served by publication as outlined in this Order.

4. Along with the Order to Show Cause, Plaintiff may served 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 "D" of the Verified Complaint. Plaintiff shall also serve a Cover Letter in the form set forth in Exhibit "E" of the Verified Complaint.

a. For any borrower in an active Bankruptcy case where the provisions of the automatic stay are still in place, Plaintiff may serve a copy of this Order to Show Cause and Verified Complaint but may choose to delay serving a corrective Notice of Intention to Foreclose until such time as the stay is vacated if it believes that service of the corrective Notice of Intention to Foreclose will violate the automatic stay.

b. If the Court grants final relief on the return date of this Order to Show Cause and Plaintiff has not already sent a corrective Notice of Intention to Foreclose, Plaintiff shall serve the corrective Notice of Intention to Foreclose once the provisions of the automatic stay in the bankruptcy case are no longer in place. In the alternative, Plaintiff may apply to the United States Bankruptcy Court for relief from the provisions of the automatic stay to effectuate service of the corrective Notice of Intention to Foreclose pursuant to this Order.

c. In the event that Plaintiff does not serve a corrective Notice of Intention to Foreclose with this Order to Show Cause, Plaintiff may not proceed with a foreclosure action until such Notice of Intention is served as authorized by this Court's Order.

d. If Plaintiff believes that service of this application will be a violation of the provisions of the automatic stay, once the stay is vacated, Plaintiff may file a motion with the Chancery Judge in the vicinage where the property lies requesting permission to send a new Notice of Intention to Foreclose. Plaintiff shall not be required to file a new Order to Show Cause for cases currently in bankruptcy.

5. If service cannot be made by regular and certified mail as set forth in paragraph 1 above, then Plaintiff shall publish the legal notice of this action on at least two days prior to

_____ in the following newspapers:

- a. The Newark Star Ledger;
- b. The Bergen Record;