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Attorneys for PNC Mortgage, a division of PNC Bank, National
Association

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY PNC
MORTGAGE, A DIVISION OF PNC
BANK, National Association

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION

Civil Action **F -040232-13**

Docket No:

VERIFIED COMPLAINT

Petitioner, PNC Mortgage, a division of PNC Bank, National Association, through its attorneys, Zucker, Goldberg & Ackerman, LLC, by way of Verified Complaint, hereby says as follows:

FACTS:

1. PNC Bank, National Association (hereinafter "PNC") is engaged in retail banking, corporate and institutional banking, asset management, and residential mortgage banking, including mortgage servicing. Nationally, and in New Jersey, PNC services loans through Petitioner PNC Mortgage, a division of PNC Bank.

2. PNC Mortgage services primarily residential mortgage loans.¹

3. As a servicer, PNC Mortgage is responsible for collecting the monthly mortgage payment; maintaining the books and records of each mortgage loan; ensuring that there is adequate insurance coverage for the property; ensuring that the real estate taxes and other potential liens are paid. In other words, PNC Mortgage is the face of the loan for the borrower and the entity to which the borrower interacts with for any issues regarding the loan.

4. When a loan is delinquent, foreclosure is always the last resort. If the default is not resolved, then PNC Mortgage sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Act, giving the borrower at least thirty days to cure the default and reinstate the loan. If the default is not cured or other arrangements made to resolve the default, after the NOI expires, the loan is referred to local foreclosure counsel to initiate foreclosure.

5. On February 27, 2012, the New Jersey Supreme Court issued its 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

¹ PNC may also appear as plaintiff in foreclosure proceedings in its capacity as a trustee for owners of securitized loans. Where PNC is only the trustee and not the servicer, PNC plays no role in the servicing of the loan. This application to the Court does not include cases in which PNC acts only as a trustee.

identification of the name and address of the lender rather than the servicer contact information alone.

6. PNC Mortgage has completed a revision to its form NOI to add the name and address of the lender in addition to the servicer.

7. Attached as Exhibit "1" to the Certification of Anita Holbrook is a true and accurate copy of the merge form NOI that PNC Mortgage intends to utilize and should the Court so order, the merge form that Plaintiff would use to re-send NOIs to all borrowers affected by the outcome of this Order to Show Cause.²

8. 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 I: PNC Mortgage

9. Plaintiff hereby incorporates by reference Paragraphs 1 through 8 as if set forth herein.

² The form of NOI will also be used to correct cases in which the holder of the mortgage was not correctly identified in the original NOI.

10. Attached as Exhibit "A"³ is a list of uncontested residential foreclosure actions where PNC Mortgage is the plaintiff and PNC requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "A" of this Verified Complaint where PNC Mortgage is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT II: PNC Bank

11. Plaintiff hereby incorporates by reference Paragraphs 1 through 10 as if set forth herein.

12. Attached as Exhibit "B" is a list of uncontested residential foreclosure actions where PNC is the plaintiff and

³ Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the foreclosure plaintiff initially identified in the caption may not be the current entity that will be listed in the corrected NOI. For the sake of clarity, the corrected NOI will list the current lender and the lender's address.

PNC requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "B" of this Verified Complaint where PNC Bank is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT III: Commonwealth United Mortgage

13. Plaintiff hereby incorporates by reference Paragraphs 1 through 12 as if set forth herein.

14. Attached as Exhibit "C" is a list of uncontested residential foreclosure actions where Commonwealth United Mortgage is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification

of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;

- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "C" of this Verified Complaint where Commonwealth United Mortgage is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT IV: HSBC as Trustee

15. Plaintiff hereby incorporates by reference Paragraphs 1 through 14 as if set forth herein.

16. Attached as Exhibit "D" is a list of uncontested residential foreclosure actions where HSBC Bank as Trustee is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "D" of this

Verified Complaint where HSBC Bank as Trustee is the plaintiff; and

- (c) Any further relief the Court deems equitable and just.

COUNT V: National City Mortgage

17. Plaintiff hereby incorporates by reference Paragraphs 1 through 16 as if set forth herein.

18. Attached as Exhibit "E" is a list of uncontested residential foreclosure actions where National City Mortgage is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "E" of this Verified Complaint where National City Mortgage is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT VI: National City Real Estate Services, LLC

19. Plaintiff hereby incorporates by reference Paragraphs 1 through 18 as if set forth herein.

20. Attached as Exhibit "F" is a list of uncontested residential foreclosure actions where National City Real Estate Services, LLC is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "F" of this Verified Complaint where National City Real Estate Services, LLC is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT VII: Summit Federal Savings and Loan

21. Plaintiff hereby incorporates by reference Paragraphs 1 through 20 as if set forth herein.

22. Attached as Exhibit "G" is a list of uncontested residential foreclosure actions where Summit Federal Savings and

Loan is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "G" of this Verified Complaint where Residential Funding Company is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT VIII: Union County savings Bank

23. Plaintiff hereby incorporates by reference Paragraphs 1 through 22 as if set forth herein.

24. Attached as Exhibit "H" is a list of uncontested residential foreclosure actions where Union County savings Bank is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (d) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification

of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;

- (e) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "H" of this Verified Complaint where Residential Funding Company is the plaintiff; and
- (f) Any further relief the Court deems equitable and just.

Zucker, Goldberg & Ackerman, LLC
Attorneys for Petitioner,
PNC Mortgage, a division of PNC Bank,
National Association

By:



Brian C. Nicholas, Esq.

DATED: 11/1/13

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 on Exhibits A through ~~4~~ to the Verified Complaint, 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.



Brian C. Nicholas, Esq.

Dated: 11/1/13

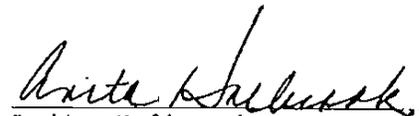
VERIFICATION

I, Anita Holbrook, of full age certify as follows:

1. I am a Vice President of PNC Bank, National and Association and the executive of PNC responsible for Late Stage Default Operations for PNC Mortgage, a division of PNC Bank, National Association

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.


Anita Holbrook

DATED: 11/01/2013

Exhibit “A”

Vicinage	Docket Number	Plaintiff	Defendant Name
UNION COUNTY	F-2693-10	PNC Mortgage, a division of PNC Bank, National Association successor by merger to National City Mortgage, a division of National City Bank	GENAO, ALEX ALVAREZ
OCEAN COUNTY MON	F-29360-10 F-64150-09	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	NEWMAN, KATHERINE GILROY/DARRAGH

Exhibit “B”

Vicinage	Docket Number	Plaintiff	Defendant Name
GLOUCESTER COUNTY	F-42535-08	PNC Bank, N.A.	ALBANO, JOEL
MERCER COUNTY	F-50300-08	PNC Bank, N.A.	O'BRIEN, TIMOTHY
ESSEX COUNTY	F-50408-08	PNC Bank, N.A.	RODRIGUEZ, FAUSTINA
HUDSON COUNTY	F-16127-10	PNC Bank, National Association	RIVILLAS, ZOILA
ESSEX COUNTY	F-32936-10	PNC Bank, N.A.	CALABRIA, AGUSTIN
OCEAN COUNTY	F-035687-10	PNC Bank, National Association	MC CABE, RICHARD
ATLANTIC COUNTY	F-037490-10	PNC Bank, National Association	LEEDS, CHRISTINE
UNION COUNTY	F-037984-10	PNC Bank, National Association	BRANCH, DOROTHY
UNION COUNTY	F-010275-11	PNC Bank, National Association	WATTS, LELIETH
MIDDLESEX COUNTY	F-010272-11	PNC Bank, National Association	MAFFUCCI, JOHN
BERGEN COUNTY	F-010277-11	PNC Bank, National Association	KNIGHT, NORRIS
CAMDEN COUNTY	F-010278-11	PNC Bank, National Association	GITZES, LEE
MON	F-20554-09	PNC BANK, NATIONAL ASSOCIATION	MARAFIOTI
UNION	F-36753-09	PNC BANK, NATIONAL ASSOCIATION	HERNANDEZ/ESCALANTE
ATL	F-30017-07	PNC BANK, NATIONAL ASSOCIATION	BROWN
CMY	F-53531-09	PNC BANK, NATIONAL ASSOCIATION	HOPE
ESX	F-010858-11	PNC BANK, NATIONAL ASSOCIATION	WILLIAMS
ATL	F-057181-10	PNC BANK, NATIONAL ASSOCIATION	RUGGIERO
Sussex	F-00341-12	PNC Bank, National Association	Patricia Butcher
Cape May	F-010943-11	PNC Bank, National Association	Joseph F. Hunter, Sr. a/k/a Joseph Hunter, his heirs, devisees and personal representatives and his/her, their or any of their successors in right, title and interest, Joseph F. Hunter, Jr., Individually and as Administrator of the Estate of Joseph F. Hunter, Sr. a/k/a Joseph Hunter, Allison Hunter, Individually and as Administrator of the Estate of Joseph F. Hunter, Sr. a/k/a Joseph Hunter

Exhibit “C”

Vicinage	Docket Number	Plaintiff	Defendant Name
SOM	F-41392-08	COMMONWEALTH UNITED MORTGAGE A DIVISION OF NATIONAL CITY BANK	NYAMADI

Exhibit “D”

Vicinage	Docket Number	Plaintiff	Defendant Name
PASSAIC COUNTY	F-49688-09	HSBC Bank USA, National Association, as Trustee for MANA 07-A2	OTOYA, MARIA

Exhibit “E”

Vldnage	Docket Number	Plaintiff	Defendant Name
BERGEN COUNTY	F-26058-09	National City Mortgage, a division of National City Bank	SAMUELS, HOPE DUKES
UNION COUNTY	F-41417-09	National City Mortgage Co. dba Eastern Mortgage Services	COLES, EGENIOUS
SUSSEX COUNTY	F-46347-09	National City Mortgage a division of National City Bank of Indiana nka National City Bank	HODAY, MARY JO
SUSSEX COUNTY	F-2976-10	National City Bank	GORE, JAMES

Exhibit “F”

Vicinage	Docket Number	Plaintiff	Defendant Name
BUR	F-48464-09	NATIONAL CITY REAL ESTATE SERVICES, LLC (SBM) SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE INC. (FKA) FORMERLY KNOWN AS NATIONAL CITY MORTGAGE CO.	SMITH

Exhibit “G”

Vicinage	Docket Number	Plaintiff	Defendant Name
MID	F-50449-08	SUMMIT FEDERAL SAVINGS AND LOAN ASSOC.	LOZITO

Exhibit “H”

Vicinage	Docket Number	Plaintiff	Defendant Name
MON	F-010719-11	UNION COUNTY SAVINGS BANK	GOMBER

