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SUPERIOR COURT
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POWERS KIRN, LLC
728 Marne Highway, Suite 200
Moorestown, NJ 08057
(856) 802-1000
Attorneys for Plaintiff, Aurora Financial Group, Inc.

	: SUPERIOR COURT OF NEW JERSEY
	: CHANCERY DIVISION
IN RE APPLICATION BY AURORA	:
FINANCIAL GROUP, INC., TO ISSUE	: COUNTY
CORRECTED NOTICES OF INTENT	:
TO FORECLOSE ON BEHALF OF	: DOCKET NO.: F- F -001940-13
IDENTIFIED FORECLOSURE	:
PLAINTIFFS IN UNCONTESTED	: CIVIL ACTION
CASES	:
	: VERIFIED COMPLAINT

Plaintiff, Aurora Financial Group, Inc., by and through its attorney, Powers Kirn, LLC, by way of Verified Complaint, hereby say as follows:

FACTS

1. Aurora Financial Group, Inc., (hereinafter "Aurora") is a licensed mortgage banker and mortgage servicer operating in the States of New Jersey and Pennsylvania.
2. Aurora maintains a portfolio of approximately 10,500 loans consisting of loans which were originated by Aurora, as well as residential mortgage loans owned by New Jersey Housing and Mortgage Finance Agency, Police and Firemen's Retirement System Board of Trustees by its Administrative Agent New Jersey Housing and Mortgage Finance Agency and Roma Bank, for which Aurora serves as the servicing agent.

3. When a loan becomes delinquent and after all efforts to assist the borrower to bring the loan current have failed, Aurora is responsible for commencing a foreclosure action to collect upon the note and mortgage. In all New Jersey cases, Aurora sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Act, which advises the borrower of the situation and provides the borrower with the necessary information to bring the loan current. The NOI is sent at least thirty (30) days prior to the commencement of the foreclosure action. In the event the borrower does not cure the default, and after the NOI expires, the loan is referred to local counsel to initiate foreclosure.

4. 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. In so holding, the Court stated that the NOI must identify the lender and provide the lender's address, as opposed to merely identifying the lender's servicing agent.

5. Following its opinion in Guillaume, the Court issued an Order on April 4, 2012 authorizing the court to entertain Orders to Show Cause to be filed by lenders and their servicing agents, which seek to allow the lenders to cure deficient NOIs previously served in pending, pre-judgment, uncontested foreclosure actions which were filed prior to February 27, 2012.

6. Aurora has identified a small pool of foreclosure cases filed prior to February 27, 2012, in which it served NOIs that failed to properly identify the lender and the lender's address, and/or include a list of financial assistance programs as identified by the

Commissioner of Banking and Insurance that may assist in curing default as required by N.J.S.A. 2A:50-56.

7. Aurora has attached to its brief accompanying this verified complaint, as Exhibits 1, 2 and 3, lists of four (4) uncontested, residential foreclosure actions, which are at the pre-judgment stage of the foreclosure action, for which Aurora has identified as having an NOI that failed to properly identify the lender and the lender's address, and/or failed to include a list of list of financial assistance programs as identified by the Commissioner of Banking and Insurance.

8. Attached to Aurora's brief as Exhibit 4 is a true and accurate copy of a proposed form of corrected NOI which Aurora currently utilizes and proposes to send to each defendant identified in Exhibits 1, 2 and 3. Should the Court so authorize, Aurora will send this form of corrected NOI to each borrower identified. The corrected NOI contains the name and address of the current lender and will contain the specific information unique to each particular borrower, which will enable them to reinstate their loan. The corrective NOI which Aurora proposes to send will exclude all attorney's fees and costs which have been incurred in connection with the foreclosure action.

COUNT ONE

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

10. Attached as Exhibit 1 to Aurora's brief is an uncontested residential foreclosure action where New Jersey Housing and Mortgage Finance Agency is the

plaintiff and Aurora Financial Group, Inc. is the servicing agent in which Aurora served an initial NOI that failed to identify the lender and the lender's address.

11. Aurora requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012, Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully requests judgment;

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 4 to Aurora's brief as compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Aurora to serve new Notices of Intention to Foreclose, in the form attached as Exhibit 4 to Aurora's brief, to the borrower/defendant obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit 1 to Aurora's brief where New Jersey Housing and Mortgage Finance Agency is the plaintiff; and
- (c) Any further relief this Court deems equitable and just.

COUNT TWO

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

13. Attached as Exhibit 2 to Aurora's brief is a list of two (2) loans which Aurora is servicing for New Jersey Housing and Mortgage Finance Agency and Police and Fireman's Retirement System Board of Trustees by its Administrative Agent New Jersey Housing and Mortgage Finance Agency in which Aurora served an initial NOI that failed to identify the lender and the lender's address, and failed to include a list of financial assistance programs as identified by the Commissioner of Banking and Insurance.

14. Aurora respectfully requests this Court issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012, Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully requests judgment;

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 4 to Aurora's brief as compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Aurora to serve a corrected Notice of Intention to Foreclose, in the form attached as Exhibit 4 to Aurora's brief, upon all borrowers/defendants obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit 2 to Aurora's brief, where the initial NOI failed to identify the lender and the lender's address, and failed to include a list of financial assistance programs as identified by the Commissioner of Banking and Insurance; and
- (c) Any further relief this Court deems equitable and just.

COUNT THREE

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

16. Attached as Exhibit 3 to Aurora's brief is a loan which Aurora is servicing on behalf of New Jersey Housing and Mortgage Finance Agency which is currently under the protection of an automatic stay provision in the United States Bankruptcy Court. In this case, the initial NOI sent by Aurora failed to identify the lender and the lender's address. Aurora seeks an Order from this Court granting it permission to serve corrected NOIs in this case when the bankruptcy case is dismissed or when relief from the automatic stay is obtained.

17. Aurora respectfully requests this Court issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012, Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully requests judgment;

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 4 to Aurora's brief as compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Aurora to serve a corrected Notice of Intention to Foreclose, in the form attached as Exhibit 4 to Aurora's brief, to the borrowers/defendants obligated on the underlying debt, for the pre-judgment foreclosure action listed on Exhibit 3 to Aurora's brief, after the Plaintiff obtains relief from the automatic stay or the borrowers'/defendants' bankruptcy case is dismissed; and
- (c) Any further relief this Court deems equitable and just.

POWERS KIRN, LLC
Attorneys for Plaintiff, Aurora Financial Group, Inc.

By: 
Edward W. Kirn, III, Esquire

Dated: 1/14/13

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 proceeding contemplated, other than the pending foreclosure actions in Exhibits 1, 2, and 3 to Aurora's brief, 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.



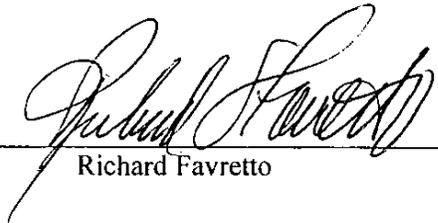
Edward W. Kim, III, Esquire

Dated: 1/14/13

VERIFICATION

I, Richard Favretto, of full age certify as follows:

1. I am the Default Manager of Aurora Financial Group, Inc.
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.


Richard Favretto

Dated: 1-8-2013

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January 14, 2013

William M.E. Powers, Jr
William M.E. Powers, III
Sarah E. Powers
Edward W. Kirm, III
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Frances M. Kelly
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Megan E. Shafranski

PERSONAL AND CONFIDENTIAL

Ryan Gerbino, Administrative Supervisor II
Superior Court Clerk's Office
Foreclosure Processing Services
25 Market Street
P.O. Box 971
Trenton, NJ 08625

Re: In Re Application by Aurora Financial Group, Inc., to Issue
Corrected Notice of Intent to Foreclose on Behalf of Identified
Foreclosure Plaintiffs in Uncontested Cases

Dear Mr. Gerbino:

Enclosed please find copies of the following documents:

1. Three copies of an Order to Show Cause to Proceed Summarily Pursuant to R. 4:67-2
2. Three copies of a Verified Complaint
3. Three copies of a Letter Memo in lieu of brief.
4. Three copies of a Certification in Support of Plaintiff's Order to Show Cause,
with exhibits

Please provide a docket number at your earliest convenience. Thank you.

Very truly yours,



Edward W. Kirm, III

EWK:tmj
#2012-4661
Enclosures