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*Attorney for Defendant Garman Cardoza*

IN RE APPLICATION BY JPMORGAN  
CHASE BANK, N.A. TO ISSUE  
CORRECTED NOTICES OF INTENT  
TO FORECLOSE ON BEHALF OF  
IDENTIFIED FORECLOSURE  
PLAINTIFFS IN CERTAIN  
UNCONTESTED CASES

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
PASSAIC COUNTY

DOCKET NO: F-002979-13

CIVIL ACTION

OBJECTION TO  
ORDER TO SHOW CAUSE

The Defendant GERMAN CARDOZA JR. (hereinafter "Defendant"), recipients of applicant's Order to Show Cause and defendants in Docket No. F-049087-10 of Hudson County, objects to JPMORGAN CHASE BANK, N.A. (hereinafter "Plaintiff")'S order to show cause for the following reasons:

**OBJECTION 1:  
DEFENDANT IS NOT PART OF THE CLASS IDENTIFIED IN THE OSC**

1. Under the April 4<sup>th</sup> Order, plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012 were allowed to correct the deficient Notice of Intention to Foreclose. However, Defendant already raised issue of the defective Notice of Intention to Foreclose in a motion to dismiss the Complaint which was filed on January 23, 2012 in Hudson County Superior Court (Exhibit A). That motion was denied. In the Motion to Dismiss, Defendant contested the issue of the deficient Notice of Intention to Foreclose. As such, Defendant is not within the identified class

and objects to being subject to the Order to Show Cause and the permission to file a corrective Notice of Intention to Foreclose.

**WHEREFORE** Defendant demands denial of Order to Show Cause. This issue would be properly determined in the Chancery Division of Hudson County where the original complaint was filed and the issue of the defective Notice of Intention to Foreclose has been continually contested by the Defendant.

**OBJECTION 2:  
THE LANGUAGE OF EXPLANATORY LETTER IS MISLEADING**

2. The explanatory letter (Exhibit B) sent by Plaintiff states that Chase is given permission “to serve, along with the Order to Show Cause, corrected Notice of Intention to Foreclose on all defendants mortgagor/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012.” However, under the court’s Order, “uncontested residential mortgage foreclosure actions filed on or before 27, 2012 in which final judgment has not yet been entered” are subject to Order to Show Cause and the permission to serve the corrected Notice of Intention to Foreclose. They are misleading about the identified class of homeowners who are subject to Order to Show Cause.

3. The Explanatory Letter, which is required to be accompanied with any corrected Notice of Intention to Foreclose under the April 4<sup>th</sup> Order, has proposed to explain the situation to defendants most of whom cannot afford legal fees or have access to legal help. However, this Explanatory Letter is written in a manner that is confusing to the mortgagor.

4. The Explanatory Letter (herein after the Letter) and verified complaint (Exhibit C) list the lenders from 1 to 16. The verified complaint does not include the

attachment. The letter states that “the verified complaint with attachments, which list the foreclosure actions in which the above-named lenders are the plaintiff, will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>. However, in the web site there is no direction or click button that leads to the attachment. Moreover, Defendant cannot know how these lenders are related to his foreclosure case.

5. The Letter states that “these papers are not being sent directly to your attorney if you have one.” However, the Order to Show Cause should be served to the defendant’s attorney. Otherwise, it would be a direct communication to the defendant without permission of an attorney representing the defendant.

6. The Borrower’s name is incorrect on the Letter and Notice of Intention to Foreclose. The Borrower’s name is German Cardoza, Jr. However, the Letter and Notice of Intention to Foreclose indicates that the borrower’s name is Cardoza German Jr.

7. They did not explain the manner the Defendant can serve the objection to the parties.

8. The letter did not indicate when the 35 days to cure the default start

**WHEREFORE** Defendant demands denial of Order to Show Cause and corrected Notice of Intention to Foreclose.

**OBJECTION 3:  
DEFENDANT IS NOT PROPERLY IDENTIFIED BY THE OSC, VERIFIED  
COMPLAINT OF THE SUMMARY ACTION AND NOTICE OF INTENTION  
TO FORECLOSE.**

9. These documents were sent to the Defendant but nowhere is the Defendant named in those documents. As a result, the court should deny both the order to show

cause and verified complaint of summary action as neither has been appropriately/legally filed.

10. Also, since Defendant has not been named in either documents, the defendant has not been served. The defendant is submitting this objection because otherwise it would violate due process rights.

11. Allowing the bank to serve the defendants in a collective manner for their convenience would confuse the defendants. The bank was granted the chances to fix and correct these proceedings during the foreclosure proceeding, instead they ignore procedural rights of defendants for their convenience.

**WHEREFORE** Defendant demands denial of Order to Show Cause and corrected Notice of Intention to Foreclose.

**OBJECTION4:  
THIS VERIFIED COMPLAINT IN SUPPORT OF SUMMARY ACTION IS  
DEFECTIVE.**

11. The verified complaint is not tailored to the situation of this case at hand and is written in a manner that is confusing the defendants. Plaintiff listed the names of plaintiffs in the pending foreclosure action as count 1 to 16 (Exhibit C). Defendant cannot know how the listed lenders are relevant to his case. This collective manner used in writing this complaint does not address the specific defendant or specific plaintiff of the defendant's case. Defendant cannot know who the plaintiff in his case is without referring to the original complaint filed in Hudson County. They did not attach the original complaint or refer to original complaint in the verified complaint, order to show cause or Notice of Intention to Foreclose. They did not include the attachment even though the complaint states that they attached it. Instead they state in the Explanatory Letter that it will be

available on web site at <http://www.judiciary.state.nj.us/>. However, most of defendants would not be able to find the attachment in the web site because there is no click button to lead them to the attachment. Even if they find the attachments, it would be hard to read and find the information they need because it is unreadable or it is too long. Because most defendants are lay person and do not have a counsel, this manner is depriving defendants of due process rights.

**WHEREFORE** Defendant demands denial of Order to Show Cause and corrected Notice of Intention to Foreclose.

**OBJECTION5:  
ISSUE OF DEFICIENCY IN NOTICE OF INTENTION TO FORECLOSE HAS  
BEEN RAISED IN A MOTION TO DISMISS COMPLAINT FILED UNDER THE  
FORECLOSURE DOCKET.**

12. Defendant has filed an objected, on January 23, 2012, to the defective Notice of Intention to Foreclose with the Hudson County Superior Court in the form of a Motion to Dismiss the Foreclosure Action, Docket #F-049087-10. Even though the motion was denied the issue was contested. To permit Plaintiff to correct the Notice of Intention to Foreclose at this point would be fundamentally unfair to the homeowner who has raised the issue. Permitting the proposed correction would deprive Defendant of his rights that they have asserted on issue.

**WHEREFORE** Defendant demands denial of Order to Show Cause and corrected Notice of Intention to Foreclose.

**OBJECTION6:  
THE LANGUAGE OF THE PROPOSED NOTICE OF INTENTION TO  
FORECLOSE IS MISLEADING.**

13. It does not explain the nature of obligation or real estate security interest because it

does not explain the origination date, original principal amount, monthly mortgage payment and the amount of months Defendant is behind.

14. It does not present detailed explanation about total amount Defendant should tender to cure the default. It does not break down the principal and interest. It presents past due amount. It states that it does not include any payment changes that may occur. It also states that after Defendant send in that amount, Chase will review taxes owed, insurance and any other escrow amounts, and send Defendant a payment change notification. It may result in an increase in monthly payment. Therefore, the total amount due is not presented in detailed and reliable manner. The amount to cure the default could be deferred to the increased monthly payments. It also does not mention about the acceleration clause.

15. It does designate a person to whom the payment or tender shall be made pursuant to N.J.S.A. 2A:50-56. It should present the name and address and phone number of the person.

16. It does not indicate the payment should be in the form of cash, cashier's check, or certified check.

**WHEREFORE** Defendant demands denial of Order to Show Cause and corrected Notice of Intention to Foreclose.

RESPECTFULLY SUBMITTED

DATED: April 16, 2013

/s/ Barry N. Frank, Esq

Barry N. Frank, Esq  
The Law Firm of Barry N. Frank &  
Associates, PC

**CERTIFICATION AS TO OTHER ACTIONS PURSUANT TO RULE 4:5-1**

I hereby certify that to the best of my knowledge and belief, there are no other actions which concern the subject matter of this action ongoing or contemplated, nor do I know of any other parties who should be joined in this action. I recognize the continuing obligation of each party to file with the Court and serve on all other parties an amended certifications if there is a change in the facts state here.

DATED: April 16, 2013

/s/ Barry N .Frank, Esq

Barry N. Frank, Esq

**CERTIFICATION OF SERVICE**

I, BARRY N. FRANK, Esq.; certify that this within answer was served upon the following persons by email, regular mail, or both, and on this 16<sup>th</sup> of April 2013

Morgan Lewis & Bockius LLP  
(A Pennsylvania Limited Liability Partnership)  
Christopher C. Loeber, Esq.  
502 Carnegie Center  
Princeton, NJ 08540-9241

Brian A. Herman, Esq. (to be admitted pro hac vice)  
Douglas J. Gush, Esq.  
101 Park Avenue  
New York, NY 10178

Hon. Margaret McVeigh  
The Superior Court of New Jersey, Passaic County Courthouse  
71 Hamilton Street  
Chambers 100  
Paterson, NJ 07505

I certify that the forgoing statement made by me is true. I am aware that if any of the forgoing is willfully false, I am subject to punishment.

DATED: April 16, 2013

/s/ Barry N. Frank, Esq  
Barry N. Frank, Esq

## EXHIBIT C

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2. JPMC services mortgage loans for residential properties in New Jersey.<sup>1</sup>

3. When JPMC is the servicer of a loan, it undertakes payment collection, loss mitigation (modifications, short sales, deeds in lieu) and collection efforts, including foreclosure, with respect to a mortgage loan. If a loan is owned by another entity, JPMC undertakes these efforts in accordance with the contracts that govern its relationship with the owner of the loan as well as the loan documents, rules of Court and any applicable laws. As the entity collecting and processing payments, JPMC has the information relevant to the payments, escrows paid, amounts due and whether a loan is in default and by how much. This information is maintained on JPMC's systems of record. In cases in which JPMC is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information, as was recognized by the Supreme Court when it revised the Court Rules governing foreclosures at R. 4:64-1 and R. 4:64-2 in June, 2011. JPMC makes this application to the Court on its behalf and pursuant to the authority granted to JPMC as the servicing agent of Foreclosure Plaintiffs in pending foreclosure cases.

4. The identities of the Foreclosure Plaintiffs in the foreclosure cases for which JPMC is seeking to issue corrected Notices of Intent pursuant to this application are identified alphabetically in the Counts 1 through 16. Attached as Exhibits 1 through 16 to each of those Counts are the current lists of certain pending foreclosure cases that require corrected NOIs (collectively referred to hereafter as the "Corrected NOI List – Group 1"). JPMC will file additional similar applications such as this, concerning additional foreclosure actions.

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<sup>1</sup> JPMC is successor by merger to Chase Home Finance LLC. JPMC also acquired servicing rights from EMC Mortgage LLC t/k/a EMC Mortgage Corporation and Washington Mutual Bank. JPMC also appears as a plaintiff in foreclosure proceedings in its capacity as a trustee for the owners of securitized loans. This current application to the Court does not include those cases in which JPMC acts only as a trustee, and not the servicer.

5. One of the duties of a servicer on a defaulted mortgage loan in New Jersey is to prepare and serve the Notice of Intent to Foreclose ("NOI"), in accordance with the applicable contracts and as required by N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by JPMC and includes, among other data elements, information about the amount that is required to reinstate the loan and the date by which reinstatement must occur.

6. On February 27, 2012, the Supreme Court decided Guillaume and held that the Fair Foreclosure Act requires strict adherence to the notice requirements set forth in N.J.S.A. 2A:50-56(c) for all NOIs. The Court further held that a court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56 were not followed has the discretion to choose the appropriate remedy, permitting a cure of the deficient NOI, or imposing such other remedy as may be appropriate to the specific case.

7. Following its decision in Guillaume, the Court entered the April 4<sup>th</sup> Order which authorizes the Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, and the Hon. Paul Innes, P.J.Ch., Mercer Vicinage, to entertain summary actions by Orders to Show Cause as to why Plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012, in which final judgment has not been entered, who caused NOIs to be served that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected NOIs on defendant/mortgagors and/or parties obligated on the debt (the "Foreclosure Defendants").

8. The April 4<sup>th</sup> Order further states that any corrected NOI must be accompanied by a letter to the Foreclosure Defendants setting forth the reasons why the corrected NOI is being served, the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI,

the name of a person to contact with any questions, and that the receipt of the corrected NOI allows Foreclosure Defendants 30 days<sup>2</sup> in which to object or to cure the default.

9. JPMC has identified a population of foreclosure cases in which the previously served NOIs failed to include the name and address of the lender, as required by N.J.S.A. 2A:50-56(c)(11). JPMC has also determined that it may lack sufficient information to verify the facts surrounding the mailing of the original NOI (e.g., JPMC may lack proof of mailing for an NOI mailed by a vendor; or JPMC may lack a certified mail receipt for an NOI). Certain of these foreclosure matters are listed on the Corrected NOI List – Group 1.<sup>3</sup> The Corrected NOI List -- Group 1 was reviewed for accuracy to verify the status of the foreclosures, the effect of loss mitigation on pending foreclosures, whether there are relevant bankruptcy proceedings and whether, since the original NOIs were sent, there were intervening deaths of Foreclosure Defendants.

10. The Corrected NOI List – Group 1 attached as Exhibits 1 through 16 contain certain loans that are pre-judgment, uncontested foreclosures that JPMC is servicing and in which deficient NOIs were served by JPMC and/or JPMC may lack sufficient information to verify mailing. Specifically, as directed by the Supreme Court in Guillaume and the April 4<sup>th</sup> Order, the Corrected NOI List – Group 1 includes a listing of certain uncontested foreclosures that were filed on or before February 27, 2012 and which JPMC is servicing the loans in which final judgment has not been entered, and in which JPMC is seeking leave to file a corrected NOI.

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<sup>2</sup> JPMC will provide borrowers 35 days from the date of the corrected NOI, as reflected in the correspondence that will be sent to the borrowers.

<sup>3</sup> As set forth in ¶ 4, JPMC has divided its portfolio and will be submitting additional similar applications. Each application will contain its own list of covered foreclosures, which will be referred to as "Corrected NOI List – Group [#]". Please note that the same plaintiff group name may be included in multiple applications. For example, Corrected NOI List – Group 1 and Corrected NOI List – Group 2 may each contain foreclosures in the name of Bank of America as trustee for various trusts.

11. The Corrected NOI List – Group 1 identifies (1) the name of the Plaintiff in the foreclosure action, (2) the name of the Foreclosure Defendant, (3) the foreclosure docket number, (4) the vicinage, (5) whether the foreclosure was contested; (6) the name of the foreclosure attorney, and (7) whether the foreclosure is currently on hold (e.g., bankruptcy; loss mitigation).<sup>4</sup> While JPMC is not the Plaintiff in each of the foreclosure actions, it is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI pursuant to the relevant contracts with the Foreclosure Plaintiffs.

12. To comply with the April 4<sup>th</sup> Order, attached as Exhibit "A" to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that JPMC intends to send to each Foreclosure Defendant on the corrected NOI List submitted with this application. In accordance with the Supreme Court in the April 4<sup>th</sup> Order, the proposed form of Explanatory Letter:

- a. explains the reason why the corrected NOI is being served,
- b. explains the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI,
- c. borrower name, loan number, plaintiff and a docket number for the underlying foreclosure action,
- d. identifies the individual(s) a Foreclosure Defendant should contact with any questions, and
- e. advises the Foreclosure Defendant of the right to object to the corrected NOI as well as the right to cure the default within 35 days of the date of the corrected NOI.

The corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure

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<sup>4</sup> 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 correct entity that will be listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and JPMC will require that foreclosure counsel take appropriate steps to change the plaintiff in affected foreclosure actions where required.

cases.

13. Attached as Exhibit "B" to the Verified Complaint is the proposed form of corrected NOI which JPMC will send to each of the Foreclosure Defendants identified on the Corrected NOI List -- Group 1 submitted with this application. Each Foreclosure Defendant will be served with a corrected NOI that includes, *inter alia*, the information specific to their mortgage loan, their default, the lender/holder's name and address and the amount to reinstate, as provided for in the Order to Show Cause.

#### **COUNT 1 - BANK OF AMERICA**

14. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Bank of America and/or certain of its affiliated entities pursuant to an agreement between the parties.

15. Attached as Exhibit 1 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of Bank of America (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

#### **COUNT 2 - CITIBANK**

16. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Citibank and/or certain of its affiliated entities pursuant to an agreement between the parties.

17. Attached as Exhibit 2 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of Citibank (or its affiliated entities) and in which JPMC previously served a NOI that did not

include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

### **COUNT 3 - DEUTSCHE BANK**

18. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Deutsche Bank and/or certain of its affiliated entities pursuant to an agreement between the parties.

19. Attached as Exhibit 3 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure action was brought in the name of Deutsche Bank (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

### **COUNT 4 - EASTERN AMERICAN MORTGAGE CO.**

20. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Eastern American Mortgage Co. and/or certain of its affiliated entities pursuant to an agreement between the parties.

21. Attached as Exhibit 4 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure action was brought in the name of Eastern American Mortgage Co. (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

### **COUNT 5 - EMC MORTGAGE CORPORATION**

22. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of EMC Mortgage Corporation and/or certain of its affiliated entities pursuant to an agreement between the parties.

23. Attached as Exhibit 5 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of EMC Mortgage Corporation (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 6 - FEDERAL NATIONAL MORTGAGE ASSOCIATION**

24. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Federal National Mortgage Association and/or certain of its affiliated entities pursuant to an agreement between the parties.

25. Attached as Exhibit 6 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of Federal National Mortgage Association (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 7 - HSBC**

26. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of HSBC and/or certain of its affiliated entities pursuant to an agreement between the parties.

27. Attached as Exhibit 7 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of HSBC (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 8 - JPMORGAN CHASE BANK, N.A.**

28. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of JPMorgan Chase Bank, N.A. and/or certain of its affiliated entities pursuant to an agreement between the parties.

29. Attached as Exhibit 8 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of JPMorgan Chase Bank, N.A. (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 9 - LASALLE BANK**

30. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of LaSalle Bank and/or certain of its affiliated entities pursuant to an agreement between the parties.

31. Attached as Exhibit 9 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of LaSalle Bank (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 10 - MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC.**

32. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Mortgage Electronic Registration System, Inc. and/or certain of its affiliated entities pursuant to an agreement between the parties.

33. Attached as Exhibit 10 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name

of Mortgage Electronic Registration System, Inc. (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 11 - METMOR FINANCIAL, INC.**

34. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Metmor Financial, Inc. and/or certain of its affiliated entities pursuant to an agreement between the parties.

35. Attached as Exhibit 11 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure action was brought in the name of Metmor Financial, Inc. (or its affiliates) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**COUNT 12 - PNC BANK**

36. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of PNC Bank and/or certain of its affiliated entities pursuant to an agreement between the parties.

37. Attached as Exhibit 12 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure action was brought in the name of PNC Bank (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

### **COUNT 13 - THE BANK OF NEW YORK**

38. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of The Bank of New York and/or certain of its affiliated entities pursuant to an agreement between the parties.

39. Attached as Exhibit 13 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of The Bank of New York (or its affiliates) in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

### **COUNT 14 - US BANK**

40. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of US Bank and/or certain of its affiliated entities pursuant to an agreement between the parties.

41. Attached as Exhibit 14 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of US Bank (or its affiliates) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

### **COUNT 15 - WASHINGTON MUTUAL**

42. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Washington Mutual and/or certain of its affiliated entities pursuant to an agreement between the parties.

43. Attached as Exhibit 15 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name

of Washington Mutual (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

#### COUNT 16 - WELLS FARGO

44. JPMC services residential mortgage loans in New Jersey where the foreclosure action was brought in the name of Wells Fargo and/or certain of its affiliated entities pursuant to an agreement between the parties.

45. Attached as Exhibit 16 is a list of certain of the pending, uncontested foreclosures in New Jersey that are being serviced by JPMC where the foreclosure was brought in the name of Wells Fargo (or its affiliated entities) and in which JPMC previously served a NOI that did not include the name and address of the lender and/or for which JPMC may lack sufficient evidence of mailing.

**WHEREFORE**, Plaintiff respectfully requests that this Court enter an Order permitting JPMC to issue corrected NOIs in an omnibus manner as permitted in the April 4, 2012 Order to include the name and address of the lender in certain pending, uncontested foreclosure cases listed on the Corrected NOI List – Group 1 and for such other and further relief as this Court deems just and equitable.

MORGAN, LEWIS & BOCKIUS LLP



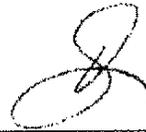
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Christopher C. Boeber, Esq.  
Brian A. Herman, Esq. (to be admitted pro hac vice)  
Douglas J. Gush, Esq.

Dated:

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 on the Corrected NOI List – Group 1 attached hereto and any pending, 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.



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Christopher C. Loeber, Esq.

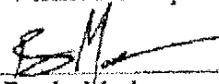
Dated: 1/25/13

VERIFICATION

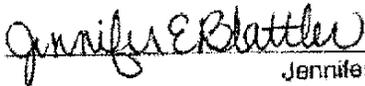
STATE OF OHIO :  
COUNTY OF FRANKLIN :

I, Brady Mathews, being duly sworn states:

1. I am a Vice President of JPMorgan Chase Bank, N.A., the applicant named in the foregoing Verified Complaint.
2. The factual allegations in the Verified Complaint are true to the best of my knowledge and belief.
3. The Exhibits attached to the Verified Complaint are true and correct copies.

Name:  Date: 1/29/13  
Brady Mathews Vice President  
JPMorgan Chase Bank, NA

Sworn and subscribed before me  
this 24 day of Jan 2013

  
Jennifer E Blattler



JENNIFER E BLATTLER  
Notary Public, State of Ohio  
My Commission Expires 03-23-2016

## CONTACT FOR LEGAL SERVICES ORGANIZATIONS

### LEGAL SERVICES OF NEW JERSEY - Statewide program serving all counties

You may apply for free legal services on line at: [WWW.LSNJLAW.ORG](http://WWW.LSNJLAW.ORG)  
or call the toll free hotline number at: 1-888-LSNJ-LAW or 1-888-576-5529  
or you may contact the regional Legal Services program in the county where you live.

### REGIONAL LEGAL SERVICES PROGRAMS - Programs serving particular counties

#### 1. LEGAL SERVICES OF NORTHWEST JERSEY - Serving Morris, Somerset, Hunterdon,

##### Sussex and Warren counties

**Hunterdon County**  
82 Park Avenue  
Flemington, NJ 08822  
908-782-7979

**Morris County**  
30 Schuyler Place, 2nd Floor  
Morristown, NJ 07963  
973-285-6911

**Somerset County**  
34 West Main Street, Suite 301  
Somerville, NJ 08876  
908-231-0840

**Sussex County**  
18 Church Street, Suite 120  
Newton, NJ 07860  
973-383-7400

**Warren County**  
91 Front Street  
Belvidere, NJ 07823  
908-475-2010

#### 2. NORTHEAST LEGAL SERVICES - Serving Bergen, Hudson and Passaic counties

**Bergen County Office**  
190 Moore Street  
Hackensack, NJ 07601  
201-487-2166

**Hudson County Office**  
574 Summit Avenue  
Jersey City, NJ 07306  
201-792-6363

**Passaic County Office**  
152 Market Street  
Paterson, NJ 07505  
973-523-2900

#### 3. ESSEX-NEWARK LEGAL SERVICES - Serving Essex County

5 Commerce Street  
Newark, NJ 07102  
973-624-4500

#### 4. CENTRAL JERSEY LEGAL SERVICES - Serving Union, Middlesex and Mercer counties

**Trenton**  
198 West State Street  
Trenton, NJ 08608  
609-695-6249

**New Brunswick**  
3 17 George Street, Suite 201  
New Brunswick, NJ 08901  
732-249-7600

**Perth Amboy**  
313 State Street, Suite 308  
Perth Amboy, NJ 08861  
732-324-1613

**Elizabeth**  
60 Prince Street  
Elizabeth, NJ 07208  
908-354-4340  
Telephone for the Hearing Impaired:  
908-558-1642

#### 5. OCEAN MONMOUTH LEGAL SERVICES - Serving Ocean and Monmouth counties

Monmouth County: 732-866-0020

Ocean County: 732-341-2727

#### 6. SOUTH JERSEY LEGAL SERVICES - Serving Burlington, Camden, Gloucester, Atlantic, Cape May, Cumberland, and Salem counties

800-496-4570 between 9:00 am and 1:00 pm



Chase (FL5-7734)  
P.O. Box 44090  
Jacksonville, FL 32231-4090

US Postal Certified Mail : 7012 1640 0002 3897 0420

March 15, 2013

CARDOZA GERMAN JR  
15 CARLTON AVE  
JERSEY CITY, NJ 07307

**Notice of Intent to Foreclose**

Account: 1760829895 (the "Loan")  
Property Address: 15 CARLTON AVE  
JERSEY CITY, NJ 07307 (the "Property")

Dear CARDOZA GERMAN JR:

Our records show that your Loan is in default and you have breached the terms of the Mortgage or Deed of Trust ("Security Instrument") securing your Loan.

Under the terms of the Security Instrument, JPMorgan Chase Bank, N.A. ("Chase") hereby notifies you of the following:

1. You are in default because you have failed to pay the required monthly installments commencing with the payment due October 1, 2009.
2. As of March 15, 2013, the total amount (including principal, interest, and escrow if applicable) under the terms of your loan documents in the total amount of \$ 145,443.81 is past due.

Principal and Interest Due:	\$	93,942.24
Escrow Advanced Balance:	\$	51,501.57
Amount Held in Suspense:	\$	0.00

Please note: The past due amount is what is required to bring your loan current and does not include any payment changes that may occur. After you send in that amount, Chase will review your taxes owed, insurance and any other escrow amounts, and send you a payment change notification, if applicable. This may result in an increase in your monthly payment.  
If you have any questions about the total amount due, please call us as soon as possible at 800-848-9380.

3. You have the right to cure the default on or before April 19, 2013 to prevent Chase from resuming the foreclosure proceedings.
4. Action required to cure the default: You must pay the total amount due listed in Paragraph 2 on or before April 19, 2013, in order to cure this default. If you have any questions about the total

amount due, please call us as soon as possible at 800-848-9380.

5. If you fail to cure the default on or before April 19, 2013, Chase may take steps to terminate your ownership in the Property by resuming the foreclosure suit concerning the loan, in a court of competent jurisdiction, all without further notice to you. If this happens, Chase will be entitled to collect its expenses incurred in pursuing the remedies provided in the Security Instrument, which may include, but not be limited to, allowable foreclosure/attorney fees, and other expenses permitted by applicable law, in an amount not to exceed that amount permitted by the Rules Governing the Courts of the State of New Jersey.
6. If permitted by your loan documents or applicable law, you have the right to reinstate after acceleration of the Loan and the right to assert in the foreclosure proceeding the nonexistence of a default, or any other defense to acceleration, foreclosure, and sale. In the event we resume the foreclosure proceeding against you, you will still have a right to cure the default prior to entry of the foreclosure judgment pursuant to Section 5 of the Fair Foreclosure Act; however, you will be responsible for our court costs and attorney fees in an amount not to exceed that amount permitted pursuant to the Rules Governing the Courts of the State of New Jersey.
7. In the event that you transfer the Property to another person, the transfer is subject to our rights under the Security Instrument. The new owner of the Property may have the right to cure the default as provided in the Fair Foreclosure Act.
8. You are advised to seek counsel from an attorney of your own choosing concerning this mortgage default situation. If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association or Lawyer Referral Service in the county in which the Property is located. If you are unable to afford an attorney, you may communicate with the Legal Services Office in the county in which the Property is located.
9. You are advised of the possible availability of financial assistance for curing a default from programs operated by the State or Federal government or nonprofit organizations, if any, as identified by the Commissioner of Banking and Insurance. A list of such programs issued by the Commissioner is attached.
10. Please note that JPMorgan Chase Bank, N.A. is both the mortgage servicer and lender for your Loan. The address for your servicer and lender is listed below. If you disagree with our assertion that a default has occurred or the correctness of our calculation of the amount required to cure the default, or you have any questions regarding the remittance instructions below, you can contact Bruno Mejia at:

Overnight/Regular Mail: Chase  
Attention: Collections Department  
Mail Code: OH4-7356  
3415 Vision Drive  
Columbus, OH 43219-6009

Phone: 800-848-9380

11. Kindly remit the total amount due, shown in Paragraph 2 above, to the remittance address listed below. Please note that Chase policy requires certified funds if two insufficient funds (NSF) payments have been received in the last six months. In this event, Chase will not accept a Direct Check, FastPay or SpeedPay. Payments cannot be made at Chase retail bank branches. Please refer to the address below for payment information or call us if you have any questions.

Regular Mail: Attention: Mortgage Cash Operations Department (OH4-7216)  
P.O. Box 182626  
Columbus, OH 43219

Overnight Mail: Attention: Mortgage Cash Operations Department (OH4-7216)  
3415 Vision Drive  
Columbus, OH 43219

Except as required by law, we are under no obligation to accept less than the full amount owed. If you send us less than the full amount owed, we may in our sole discretion apply such partial payment to your Loan without waiving any default or waiving our right to accelerate the Loan and continue with foreclosure proceedings in accordance with Paragraph 5 above.

12. If you are unable to pay the amount past due, Chase has a variety of homeowner assistance programs that might help you resolve your default and keep your home; however, we need to talk with you to discuss these options and determine which of them might be appropriate for your circumstances. Please call us as soon as possible at 800-848-9380.
13. While the Loan remains in default, we will perform certain tasks to protect our interest in the Property, including visits to your Property at regular intervals during the default. This will be done to determine, as of the date of the inspection, the property condition, occupancy status, and possibly your plans for curing the default and paying this Loan on time. You should anticipate that any costs incurred by Chase will be added to the amount you now owe if permitted by your loan documents or applicable law.

Sincerely,

Chase  
800-848-9380  
800-582-0542 TDD / Text Telephone  
[www.chase.com](http://www.chase.com)

Enclosures

- Federal Trade Commission Pamphlet
- List of Entities Providing Assistance: New Jersey

CERTIFIED MAIL: Return Receipt Requested and First Class Mail

We are attempting to collect a debt, and any information obtained will be used for that purpose.

If you are represented by an attorney, please refer this letter to your attorney and provide us with the attorney's name, address, and telephone number.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its Security Instrument, including the right to foreclose its lien.

#### **IMPORTANT NOTICE TO SERVICEMEMBERS AND THEIR DEPENDENTS**

If you are or recently were on active duty or active service, you may be eligible for benefits and protections under the federal Servicemembers Civil Relief Act (SCRA). This includes protection from foreclosure or eviction. You may also be eligible for benefits and protections under state law or Chase policy. SCRA and state Military benefits and protections also may be available if you are the dependent of an eligible Servicemember.

Eligible service may include:

- Active duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard, or
- Active service as a commissioned officer of the National Oceanic and Atmospheric Administration, or
- Active service as a commissioned officer of the Public Health Service, or
- Service with the forces of a nation with which the United States is allied in a war or Military action, or
- Service with the National Guard of a state militia under a state call of duty, or
- Any period when you are absent from duty because of sickness, wounds, leave, or other lawful cause.

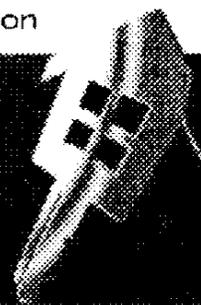
For more information, please call Chase Military Services at 877-469-0110.

#### **AN IMPORTANT REMINDER FOR ALL OUR CUSTOMERS**

As stated in the "Questions and Answers for Borrowers about the Homeowner Affordability and Stability Plan" distributed by the Obama Administration, "Borrowers should beware of any organization that attempts to charge a fee for housing counseling or modification of a delinquent loan, especially if they require a fee in advance." Loan modification scams should be reported to [PreventLoanScams.org](http://PreventLoanScams.org) or by calling 888-995-HOPE; 888-995-4673. We offer loan modification assistance free of charge (i.e., no modification fee required). Please call us immediately at 866-550-5705 to discuss your options. The longer you delay, the fewer options you may have.

An important message from the Federal Trade Commission

# A note to Homeowners



Facing foreclosure? Scammers are targeting people having trouble paying their mortgages. Some claim to be able to “rescue” homeowners from foreclosures, while others promise loan modifications – for free. The Federal Trade Commission, the nation’s consumer protection agency, wants you to know how to avoid scams that could make your housing situation go from bad to worse.

## Don’t Get Hit by a Pitch.

*“We can stop your foreclosure!”*

*“97% success rate!”*

*“Guaranteed to save your home!”*

These kinds of claims are the tell-tail signs of a foreclosure rip-off. Steer clear of anyone who offers an easy out.

## Don’t Pay for a Promise.

Don’t pay any business, organization, or person who promises to prevent foreclosure or get you a new mortgage. These so-called “foreclosure rescue companies claim they can help save your home, but they’re out to make a quick buck. Some may request hefty fees in advance – and then stop returning your calls. Others may string you along before disclosing their charges. Cut off all dealings if someone insists on a fee.

## Send Payments Directly.

Some scammers offer to handle financial arrangements for you, but then just pocket your payment. Send your mortgage payments **ONLY** to your mortgage servicer.

## Don’t Pay for a Second Opinion.

Have you applied for a loan modification and have been turned down? Never pay for a “second opinion.”

## Imitations = Frustrations.

Some con artists use names, phone numbers, and websites to make it look like they’re part of the government. If you want to contact a government agency, type the web address directly into your browser and look up an address you aren’t sure about. Use phone numbers listed on agency websites or in other reliable sources, like the Blue Pages in your phone directory. Don’t click on links or open any attachments in unexpected emails.

## Talk to a HUD-Certified Counseling Agency – For Free.

If you’re having trouble paying your mortgage or you’ve already gotten a delinquency notice, free help is a phone call away. Call **1-888-995-HOPE** for free personalized advice from housing counseling agencies certified by the U.S. Department of Housing and Urban Development (HUD). This is a national hotline – open 24/7 – is operated by the Homeownership Preservation Foundation, a nonprofit member of Preservation Foundation, a nonprofit member of HOPE NOW Alliance of mortgage industry members and HUD-certified counseling agencies. For free guidance online, visit **www.hopenow.com**. For free information on the President’s plan to help homeowners, visit **www.makinghomeaffordable.gov**.



Federal Trade Commission  
[ftc.gov/MoneyMatters](http://ftc.gov/MoneyMatters)

Call

**1-888-995-HOPE**

for free personalized guidance from housing counseling agencies certified  
by the U.S. Department of Housing and Urban Development. The  
Homeowner's HOPE™ Hotline - open 24/7 - is operated by the  
Homeownership Preservation Foundation, a nonprofit member of the  
HOPE NOW Alliance of mortgage industry members and  
HUD-certified counseling agencies. Or visit

**[www.hopenow.com](http://www.hopenow.com)**

For free information on the President's plan to help homeowners, visit

**[www.makinghomeaffordable.gov](http://www.makinghomeaffordable.gov)**



## List of Entities Providing Assistance–New Jersey

AGENCY NAME	PHONE	ADDRESS	CITY	ZIP
American Credit Alliance, Inc	609-393-5400	26 S. Warren Street	Trenton	08608
Atlantic Human Resources, Inc	609-348-4131	1 S. New York Avenue	Atlantic City	08401
CCCS of Central New Jersey	609-586-2574	1931 Nottingham Way	Hamilton	08619
CCCS of New Jersey	973-267-4324	185 Ridgedale Avenue	Cedar Knolls	07927
Fair Housing Council of Northern New Jersey	201-489-3552	131 Main Street	Hackensack	07601
Garden State Consumer Credit Counseling, Inc	800-992-4557	225 Willowbrook Road	Freehold	07728
Jersey Counseling & Housing Development, Inc	856-227-3683	29 S Black Horse Pike	Blackwood	08012
Jersey Counseling & Housing Development, Inc	856-541-1000	1840 S Broadway	Camden	08104
Mercer County Hispanic Association	609-392-2446	200 E. State Street, 2 <sup>nd</sup> Floor	Trenton	08607
Middlesex County Economic Opportunities Corp	732-790-3344	1215 Livingston Avenue	North Brunswick	08902
Monmouth County Human Services	732-431-7998	Housing Services Unit P.O. Box 3000	Freehold	07728
New Jersey Citizen Action (Main Office)	973-643-8800	744 Broad Street, Suite 2080	Newark	07102
New Jersey Citizen Action (Central Jersey)	732-246-4772	85 Raritan Avenue, Suite 100	Highland Park	08904
New Jersey Citizen Action (South Jersey)	856-966-3091	2 Riverside Drive, Suite 362	Camden	08103
Ocean Community Economic Action Now, Inc	732-244-2351 Ext. 2	22 Hyers Street	Toms River	08753
Paterson Coalition for Housing, Inc	973-684-5998	262 Main Street, 5 <sup>th</sup> Floor	Paterson	07605
Paterson Task Force for Community Action, Inc	973-279-2333	155 Ellison Street	Paterson	07605
Puerto Rican Action Board (Housing Coalition Unit)	732-249-9700	90 Jersey Avenue	New Brunswick	08901
Tri-County Community Action Agency	856-451-6330	110 Cohansey Street	Bridgeton	08302
Urban League for Bergen County	201-568-4988	106 W. Palisade Avenue	Englewood	07631
Urban League for Essex County	973-624-9535	508 Central Avenue	Newark	07101
Urban League of Union County	908-351-7200	288 N Broad Street	Elizabeth	07208
Homelessness Prevention Program New Jersey Department of Community Affairs	856-889-6270*			

\*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.

## EXHIBIT B

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Chase (FL5-7734)  
P.O. Box 44090  
Jacksonville, FL 32231-4090

US Postal Certified Mail: 7012 1640 0002 3897 0420

March 15, 2013

CERTIFIED MAIL: Return Receipt Requested and First Class Mail

CARDOZA GERMAN JR  
15 CARLTON AVE  
JERSEY CITY, NJ 07307

Re: Order to Show Cause: In re Application by JPMorgan Chase Bank, N.A., to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Certain Uncontested Cases (Superior Court of New Jersey, Chancery Division, Passaic County, Docket No.: F-002979-13)

Borrower Name: CARDOZA GERMAN JR

Loan Number: 1760829895

Plaintiff Name in Foreclosure action: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO CHASE HOME FINANCE LLC

Docket Number in Foreclosure action: F-049087-10

Dear CARDOZA GERMAN JR:

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 and/or JPMorgan Chase Bank, N.A. ("Chase"), the servicer of your loan, may lack sufficient information to adequately confirm mailing of the original Notice of Intention to Foreclose.

By the court's Order to Show Cause dated January 31, 2013, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, gave permission to Chase to serve, along with the Order to Show Cause, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012.

The docket number for your foreclosure action may be found in the subject line of this letter.

**Information About the Order to Show Cause and Verified Complaint**

Enclosed with this letter is a copy of the Order to Show Cause and a copy of the verified

complaint filed with the Order to Show Cause. The verified complaint lists the following lenders in the following counts of the verified complaint:

1. Bank of America
2. Citibank
3. Deutsche Bank
4. Eastern American Mortgage CO.
5. EMC Mortgage Co.
6. Federal National Mortgage Association
7. HSBC
8. JP Morgan Chase Bank, N.A.
9. LaSalle Bank
10. Mortgage Electronic Registration System, Inc
11. Metmor Financial, Inc.
12. PNC Bank
13. The Bank of New York
14. U.S. Bank
15. Washington Mutual
16. Wells Fargo

The verified complaint sent to you does not include the attachments. The verified complaint with attachments, which list the foreclosure actions in which the above-named lenders are the plaintiffs, 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 35 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:

Overnight/Regular Mail:	Bruno Mejia Chase Attention: Collections Department Mail Code: OH4-7356 3415 Vision Drive Columbus, OH 43219-6009
Phone:	800-848-9380

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. The docket number for your foreclosure action may be found in the subject line of this letter.

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 on or before April 22, 2013 at the following address:

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, Christopher C. Loeber, Esq., at Morgan, Lewis & Bockius LLP, 502 Carnegie Center, Princeton, NJ 08540-6241, and mail a copy of the objection to Judge McVeigh at:

The Superior Court of New Jersey, Passaic County Courthouse  
71 Hamilton Street  
Chambers 100  
Paterson, New Jersey 07505

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](mailto:SCCOForeclosure.Mailbox@judiciary.state.nj.us).

If you are represented by an attorney in your foreclosure case, you should notify him or her that you received these papers. These papers are not being sent directly to your attorney if you have one.

If you cannot afford an attorney, you may apply for free legal assistance online at [www.lsnjlaw.org](http://www.lsnjlaw.org) or call the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529) or call the Legal Services office in the county where you live. 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 attached.

Enclosures

- Copy of the Order to Show Cause
- Copy of the Verified Complaint
- Directory for Local Services Offices and Lawyer Referral Services
- Corrected Notice of Intention to Foreclose

BR377

# EXHIBIT A

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**FILED**

MAR - 2 2012

REGISTRAR GENERAL  
JUDICIAL DEPARTMENT  
TREASURY

ABRAHAM, FRANK & ASSOCIATES, PC  
WILLIAM J. MUNIER, ESQ.  
OF COUNSEL  
440 WEST STREET, SUITE 301  
FORT LEE, NEW JERSEY 07024-5028  
Telephone (201) 461-2501  
Facsimile (914) 517-2712  
Email: [williamjmunier@gmail.com](mailto:williamjmunier@gmail.com)  
*Attorney for Defendant German Cardoza,  
Staniel Maquilon and Zoila Cardoza*

CHASE HOME FINANCE, LLC

:  
: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION  
: HUDSON COUNTY  
:  
: DOCKET NO.: F-049087-10  
:  
:

Plaintiff,

:  
: **ORDER DISMISSING**  
: **COMPLAINT**  
:  
:

v.

GERMAN CARDOZA, STANIEL  
MAQUILON, ZOILA R. CARDOZA

ET AL.

Defendants.

THE matter being opened by the Court for a by way of motion filed by William J. Munier, Esq., appearing on behalf of the Defendants German Cardoza, Staniel Maquilon and Zoila R. Cardoza, on notice to Counsel of Record for the Plaintiff, and after due deliberation and sufficient cause appearing therefore

IT IS on this 28 day of March, 2012 **HEREBY**

*Mohamed*

**ORDERED** that the Complaint in the above-captioned action is dismissed; and it is hereby further

**ORDERED** that a copy of this order be served upon all interested parties within seven (7) days of the Movant's receipt of this order.

A handwritten signature in black ink, appearing to be "H. A. V.", written over a horizontal line.

HONORABLE \_\_\_\_\_

ABRAHMA, FRANK & ASSOCIATES, PC  
WILLIAM J. MUNIER, ESQ.  
OF COUNSEL  
440 WEST STREET, SUITE 301  
FORT LEE, NEW JERSEY 07024-5028  
Telephone (201)461-2501  
Facsimile (914)517-2712  
Email: williamjmunieresq@gmail.com  
Attorney for Defendants, German Cardoza  
Staniel Maquilon and Zoila R. Cardoza

CHASE HOME FINANCE, LLC.

Plaintiff,

v.

GERMAN CARDOZA, Jr., STANIEL  
CARDOZA and ZOILA R. CARDOZA

ET AL.

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION  
: HUDSON COUNTY

: DOCKET NO.: F-049087-10

: **NOTICE OF**  
: **MOTION**  
: **TO DISMISS COMPLAINT**

To:

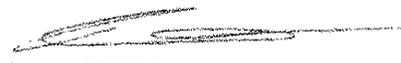
PHELAN, HALLINAN AND SCHMEIG, P.C.  
400 FELLOWSHIP ROAD, SUITE 100  
MOUNT LAUREL, NEW JERSEY 08054  
ATTORNEYS FOR PLAINTIFF

**PLEASE TAKE NOTICE** that the undersigned hereby moves before the above named Court for an Order dismiss the Complaint in the above-captioned action for, *inter alia*, failure to comply with the provisions of the Fair Foreclosure Act;

PLEASE TAKE FURTHER NOTICE that the Defendants will rely on the attached Brief and Certification in support thereof, and that a proposed form of order is attached hereto:

PLEASE TAKE FURTHER NOTICE that if a party requests oral argument or files an objection, the Defendants-Appellants hereby request oral argument.

January 12, 2012

  
WILLIAM J. MUNIER, ESQ.



•ABRAHAM, FRANK & ASSOCIATES, PC•

148-03A HILLSIDE AVENUE  
JAMAICA, NEW YORK 11435  
TEL: (888) 432-CASA (2273)  
TEL: (347) 561-4172

149 GRAND STREET  
WHITE PLAINS, NEW YORK 10704  
TEL: (347) 561-4172

440 WEST STREET  
3<sup>RD</sup> FLOOR, SUITE 301  
FORT LEE, NEW JERSEY 07024  
TEL: (201) 461-2500/2501  
FAX: (914) 517-2712

January 10, 2012

Honorable Judge Thomas P. Olivieri, P.J.Ch  
Superior Court of New Jersey, Hudson County  
W.J. Brennan Courthouse  
583 Newark Avenue, 2nd Floor  
Jersey City, NJ 07306  
Attn: Chancery Clerk

Re: Chase Home Finance, LLC. v.  
German Cardoza, Jr, et al.

Docket No.: F-049087-10  
**Letter Brief in Support of  
Motion to Dismiss**

Dear Judge Olivieri:

In regards to the above referenced matter. We respectfully request that you accept this letter brief in support of our Motion to Dismiss. Also, enclosed please find:

1. Notice of Motion to Dismiss Complaint
2. Order Dismissing Complaint
3. Amended Certification of Service of Motion to Dismiss
4. Check in the amount \$30.00 representing filing fee
5. *Certification of Defendant German Cardoza*

If your Honor has any questions please feel free to contact our office at the above listed number.

Respectfully Submitted,

William J. Munier, Esq.

cc:

Phelan, Hallinan & Schmieg, PC.  
Attn: Christy Zoltun Dunati, Esq.  
Attorney for Plaintiff, Chase Home Finance, LLC.

STATEMENT OF FACTS and PROCEDURAL HISTORY

On October 16, 2007, the Defendant, German Cardoza Jr., ("Defendant"), obtained a loan from JP Morgan Chase Bank, N.A. for the amount of \$300,000, at a per annum interest rate of 6.500% (hereinafter the "obligation"). The obligation was payable in equal monthly payments of \$2,236.72, over 20 years, from November 1, 2007, to November 1, 2027.

To secure the obligation, the Defendant executed a mortgage (running concurrently with the obligation) to JP Morgan Chase Bank, N.A. The mortgage was recorded in the Office of Register of Hudson County (N.J.), in Book: 16402, Page: 256 on October 25, 2007, in the amount of \$300,000.

On January 6, 2011, the obligation and the mortgage were assigned to the plaintiff, Chase Home Finance, LLC.

The mortgaged premises are known and designated as Block 846, Lot D.1, on the official tax map of the City of Jersey City, Hudson County, New Jersey, and commonly known as 15 Carlton Avenue, Jersey City, N.J. 07307-3807 (hereinafter the "property"). This is the Defendant's primary residence.

The obligation contains a provision that, together with, and in addition to, the monthly payments of principal and interest payable under the terms of the secured Note, the Mortgagors will pay the Mortgagee, on the first day of each

month until the note is fully paid, a sum equal to 1/12<sup>th</sup> of the annual taxes and insurance premiums that will become due, which shall be applied by the Mortgagee to pay the taxes and insurance on the premises.

The Plaintiff asserts that installment payments have not been made since October 1, 2009. Plaintiff has elected by reason of said alleged default that the whole unpaid principal sum due on the obligation and mortgage is now due. As such, the Plaintiff filed a foreclosure complaint in the Hudson County Chancery Division on October 6, 2010.

Plaintiff demands judgment to fix the amount due on the mortgage; to bar and foreclose the Defendant(s) of all equity of redemption; to direct that Plaintiff be paid the amount due with interest and costs; to adjudge that the property be sold according to law to satisfy the amount due; and that a receiver of rents be appointed.

Plaintiff also asserts that it is entitled to possession of said property.

In addition, Plaintiff asserts that, prior to filing this complaint, it "complied with the notice requirement of Section 4 of the New Jersey Fair Foreclosure Act." (See page 6 of complaint).

The Defendant, however, did not receive a Notice of Intent to Foreclose with respect to this action, nor was he personally served with the summons and complaint for the foreclosure action. (See Certification of Defendant German Cardoza, Jr. December 9, 2011).

Furthermore, it has come to the attention of Defendant's counsel, upon review of Plaintiffs response to a Qualified Written Request "QWR", JP Morgan Chase Bank, N.A. provided Defendant with a Rate Lock Confirmation, wherein it states that the "Loan Program" was a "Full/Alt FNMA 20 Year Amortizing Fixed" meaning it was a Fannie Mae funded loan. Review of the Fannie Mae website "Loan Look up tool" feature, confirms that Fannie Mae is indeed the Owner of the Note in Question, by Plaintiffs own admission, stated in their response to the "QWR", "the investor for this loan is Fannie Mae".

The foreclosure unit has informed Defendant's counsel that a request for default was filed by Plaintiff's counsel on July 6, 2011, but it was denied because the request was non-conforming and premature.

The Defendant asserts that the action should be dismissed (and if any default has been entered prior to this motion being filed and/or heard, that the default be vacated) for failing to

provide a Notice of Intent to Foreclose to the Defendant in accordance with the requirements of the Fair Foreclosure Act, and for failure to provide personal service of the foreclosure summons and complaint.

LEGAL ARGUMENT

POINT I

**PLAINTIFF'S NOTICE OF INTENT TO FORECLOSE IS DEFECTIVE BECAUSE NOTICE WAS NOT SERVED BY REGISTERED OR CERTIFIED MAIL AT LEAST 30 DAYS PRIOR TO FILING OF FORECLOSURE ACTION**

The Fair Foreclosure Act (the "Act") applies to all foreclosure actions on residential property located in the State of New Jersey. See N.J.S.A. 2A:50-55. The Act requires that a lender serve notice of intent to foreclose by "registered or certified mail, return receipt requested," at least 30 days prior to filing a foreclosure complaint. See N.J.S.A. 2A:50-56(a) and (b).

The requirements and procedures relating to the notice of intent to foreclose must be strictly followed. Specifically, the court held in *EMC Mortgage Corp. v. Chaudhri*, 400 N.J. Super. 126, 946 A.2d 578 (N.J. Super. A.D. 2008):

We ... reinforce the statutory mandate that lenders send proper notice, by registered or certified mail, at least thirty days prior to the initiation of a foreclosure action. N.J.S.A. 2A:50-56(a). The

Legislature specifically intended that lenders faithfully comply with the FFA provisions and articulated that "[w]aivers by the debtor of rights provided pursuant to [the FFA] are against public policy, unlawful, and void, unless given after default pursuant to a workout agreement in a separate written document signed by the debtor." N.J.S.A. 2A:50-61.

See *EMC Mortgage Corp.*, 400 N.J.Super. at 587. The court concluded that "substantial compliance ... was not authorized by the statute's terms." See *EMC Mortgage Corp.*, 400 N.J.Super. at 586 [quoting *Cho Hung Bank*, 361 N.J.Super. 331, 343, 825 A.2d 566 (App.Div. 2003)]. The court added that "courts are not free to deviate from the unambiguous statute." *Id.* at 587.

To comply with the notice provision, proof of any such registered or certified mailing is required. Proper notice should include either a certified mail receipt indicating that the lender sent notice or a return receipt showing that the defendant received the notice. See *GE Capital Mortgage Services Inc. v. Weisman*, 339 N.J.Super. 590, 592, 773 A.2d. 122 (Ch.Div 2000).

In *EMC*, the court held service to be valid when the plaintiff served its notice via certified mail and "presented proof of the unclaimed certified mail notice" sent to the defendants. See *EMC Mortgage Corp.*, 400 N.J.Super. at 587.

the long-standing policy of providing debtors every opportunity to cure deficiencies on residential loans.

Given that the Plaintiff in the case at hand has failed to comply with the statutory requirements, the current action should be dismissed, and the Plaintiff should be required to serve a notice of intent to foreclose in proper fashion and file a new action following the required 30-day period.

POINT III

**THE FORECLOSURE ACTION SHOULD BE DISMISSED BECAUSE DEFENDANT WAS NOT PERSONALLY SERVED**

The Defendant has certified that "I was not personally served with the summons and complaint in this matter, and I am not aware of any member of this household having been served with the summons and complaint in this matter." (See *Certification of Defendant German Cardoza, Jr.*)

Rule 4:4-4 requires personal service of a summons and complaint upon "a competent individual of the age of 14 or over, by delivering a copy of the summons and complaint to the individual personally, or by leaving a copy thereof at the individual's dwelling place or usual place of abode with a competent member of the household of the age of 14 or over then residing therein, or by delivering a copy thereof to a person

authorized by appointment or by law to receive service of process on the individual's behalf." See Rule 4:4-4(a)(1).

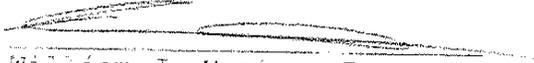
With regard to the foreclosure summons and complaint, the Defendant was never personally served nor was a copy of the letter with a member of the household or authorized representative. As such, the foreclosure summons and complaint should be dismissed as a matter of due process for failure to comply with the rules for personal service of process.

**CONCLUSION**

For the foregoing reasons, the foreclosure complaint should be dismissed and any default or default judgment, if entered, be vacated.

Respectfully submitted,

By:

  
William J. Munier, Esq.

Dated: January 12, 2012