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**IN RE APPLICATION BY
BENEFICIAL FINANCIAL I, INC.,
ET AL., TO ISSUE CORRECTED
NOTICE OF INTENT TO
FORECLOSE ON BEHALF OF
IDENTIFIED FORECLOSURE
PLAINTIFFS IN UNCONTESTED
CASES**

)
) **SUPERIOR COURT OF NEW JERSEY**
) **CHANCERY DIVISION**
) **MERCER COUNTY**
)
) **DOCKET NO.: F-015390-13**
)
) **CIVIL ACTION**
)
) **ORDER TO SHOW CAUSE**
)

THIS MATTER being brought before the Court by Greenberg Traurig, LLP, attorneys for Beneficial Financial I, Inc., Beneficial Mortgage Corporation, Household Finance Corporation III, and HSBC Mortgage Services, Inc. (collectively, "HSBC"), authorized to act on behalf of Foreclosure Plaintiffs in pending foreclosure cases in New Jersey, seeking relief by way of summary action for an Order permitting HSBC to issue corrected Notices of Intention to Foreclose ("NOI") to the defendant mortgagor and/or parties obligated on the debt ("Foreclosure Defendants") in the pending, pre-judgment, uncontested foreclosure cases listed on Exhibits A-1 through A-5 to the Verified Amended Complaint ("Corrected NOI List"), and based upon the New Jersey Supreme Court's decision in US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the implementing Order of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

It is on this 11th day of June, 2013, **ORDERED** that the Foreclosure Defendants whose names appear on the Corrected NOI List may appear before the Superior Court at the Mercer County Courthouse, 175 South Broad Street, Trenton, New Jersey at 10:00 o'clock in the forenoon or as soon thereafter as counsel can be heard, on the 3rd day of October, 2013, to object to this Court's Order allowing HSBC to issue corrected NOIs pursuant to this Order to Show Cause.

AND IT IS FURTHER ORDERED THAT FOR EACH FORELCOSURE ACTION IN WHICH HSBC ISSUES A CORRECTED NOI TO A FORECLOSURE DEFENDANT:

1. HSBC will issue a letter ("Explanatory Letter") to each Foreclosure Defendant in the form attached as Exhibit B to the Verified Amended Complaint. The Explanatory Letter will explain:

- 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 individuals to contact with any questions; and
- the right to object to the corrected NOI or the right to cure the default within 35 days of the date of the corrected NOI.

2. HSBC will issue a corrected NOI in the form attached as Exhibit C to the Verified Amended Complaint and shall attach such NOI to the Explanatory Letter referenced in paragraph 1 above. The corrected NOI will exclude attorneys' fees and foreclosure costs that have been incurred in the pending foreclosure cases. In accordance with the servicing guidelines and as required by N.J.S.A. 2A:50-56(e), the Explanatory Letter and corrected NOI will be sent by HSBC, the servicing agent.

3. HSBC will serve the corrected NOI, the Explanatory Letter, and a copy of this Order to Show Cause (collectively, the "OSC Package"), via certified mail, return receipt requested and regular mail at the last known address of the Foreclosure Defendant. For purposes of this Order to Show Cause, HSBC may serve each marital couple residing at the same address with one OSC Package via certified mail and regular mail.¹

4. A copy of HSBC's complete application to this Court shall be loaded onto the New Jersey Courts website within 20 days of the date of this Order where it will be available for review by the general public at the website link -- <http://www.judiciary.state.nj.us/>.

5. In addition to providing service of the OSC Package by certified and regular mail, HSBC will, within 30 days of the date of this Order, provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: The Star-Ledger, The (Bergen) Record, The Press of Atlantic City, and Gloucester County Times. Attached hereto as Exhibit A is a sample publication notice.

6. HSBC shall file with the Court its proof of service of the OSC Package on Foreclosure Defendants on the Corrected NOI List in the manner consistent with this Order no later than nine (9) days before the return date.

7. You [Foreclosure Defendants] have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave HSBC permission to serve the corrected NOI). To do so, you must file a written objection under the docket number listed on the first page of this Order for this case. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address by August 9, 2013.

¹ In the event HSBC has been provided an address for the estate of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator, if known and available.

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 HSBC's attorney, D. Brian O'Dell of Bradley Arant Boult Cummings LLP at One Federal Place, 1819 Fifth Avenue North, Birmingham, AL 35203-2119, and mail a copy of your objection to Judge Innes at the Superior Court of New Jersey, Mercer County Courthouse, First Floor, 175 South Broad Street, Trenton, New Jersey 08650-0068.

8. You [Foreclosure Defendants] also have the right to object to the corrected NOI that you will receive. You will also have 35 days from service of the OSC Package to cure your default. If you object to any of the contents of your corrected NOI, you must file written objection under the docket number for your foreclosure action. If you are unsure of the docket number for your foreclosure action, you can access that information on the Court's website or the attached exhibits to the Verified Amended Complaint or by calling the HSBC representative listed on the Explanatory Letter that will be sent with the corrected NOI. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address by August 9, 2013.

Superior Court Clerk's Office, Foreclosure Processing Services
P.O. Box 971
Trenton, New Jersey 08625

You must also serve a copy of the objection on HSBC's attorney, D. Brian O'Dell of Bradley Arant Boult Cummings LLP at One Federal Place, 1819 Fifth Avenue North, Birmingham, AL 35203-2119, and mail a copy of your objection to Judge Innes at the Superior Court of New

Jersey, Mercer County Courthouse, First Floor, 175 South Broad Street, P.O. Box 8068 , Trenton, NJ 08650-0068.

9. HSBC may file and serve any written reply to any opposition papers received by August 30, 2013. The reply papers must be filed with the Clerk of the Superior Court in Mercer County, with a copy to Judge Innes and to each Foreclosure Defendant who filed an opposition.

10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided with the corrected NOI.

11. A proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court by HSBC no later than nine (9) days before the return date.

12. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause.

13. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the OSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the following procedure shall be used: HSBC shall mail the OSC Package within 45 days of the lifting of the stay or suspension of the foreclosure action. You [Foreclosure Defendants] will have 30 days in which to object to the corrected NOI or 35 days from service of the OSC Package to cure your default. Any objections to the relief set forth in this Order to Show Cause shall be made in writing to the Court in the County in which your foreclosure action is pending. You must also send a copy of your written papers to HSBC's attorneys, D. Brian O'Dell of Bradley Arant Boult Cummings LLP at One

Federal Place, 1819 Fifth Avenue North, Birmingham, AL 35203-2119, or the Court handling your foreclosure action will not be able to consider your objection.



PAUL INNES, P.J. Ch.

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