FILED Feb 12, 2013

January 31, 2013

James Brewer

518 Old Post Rd Ste 7 PMB 188

Edison, NJ 08817

(718)757-2570

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SUPERIOR COURT
CLERK'S OFFICE

Written Objection to Notice of Intention to Foreclose

Docket No· F025354-12

IN RE WRITTEN OBJECTION BY JAMES BREWER

MORTGAGOR FOR NOTICE OF INTENTION TO FORECLOSE

1)This matter being brought before the Court involving a Notice of Intention to Foreclose on the Mortgagor James Brewer is being objected and contested by the Mortgagor James Brewer because the Mortgage GMAC was involved in usury actions by providing the Mortgagor James Brewer a Mortgage in the amount of $350,000, for real property that value was $200,000.

2)The Mortgagor James Brewer is objecting and contesting the Mortgage Notice of Intention to Foreclose because the Mortgage GMAC failed to provide the Mortgagor James Brewer with adequate service in serving the Notice of Intention to Foreclose.

3)The Mortgagor James Brewer is objecting and contesting the Mortgage GMAC Notice of Intention to Foreclose because the Mortgage GMAC failed to disclose Mortgage Loan provisions pertaining to the value of the home being significantly less than the amount of the Mortgage

4)The Mortgagor James Brewer is objecting and contesting the Mortgage GMAC Notice of Intention to Foreclose because the real property is located in Middlesex County, and the Mortgage GMAC is proceeding with Civil Court actions in Mercer County.

James Brewer Mortgagor

Filed Dec 13, 2012
Paul Innes, P.J.Ch

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Attorneys for GMAC Mortgage, LLC

IN RE APPLICATION BY GMAC MORTGAGE, LLC 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 -025354-12** **CIVIL ACTION** **ORDER TO SHOW CAUSE**

THIS MATTER being brought before the Court by Greenberg Traurig, LLP, attorneys for GMAC Mortgage, LLC ("GMACM"), 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 GMACM 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-20 to the Verified 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 13th day of December, 2012, **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 at10.00o'clock in the fore noon or as soon thereafter as counsel can be heard, on the 11th day of April, 2013,

to object to this Court's Order allowing GMACM to issue corrected NOIs pursuant to this Order to Show Cause.

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

1 GMACM will issue a letter ("Explanatory Letter") to each Foreclosure Defendant in the form attached as Exhibit B to the Verified 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. GMACM will issue a corrected NOI in the form attached as Exhibit C to the Verified 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 GMACM, the servicing agent.

3. GMACM 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, GMACM 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 GMACM's complete application to this Court shall be loaded onto the New Jersey Courts website within 14 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, GMACM will, within 28 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. GMACM 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 GMACM 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 February 26, 2013:

Superior Court Clerk's Office, Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclose
P.O. Box 971
Trenton, New Jersey 08625

[1] In the event GMACM 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.

You must also serve a copy of the objection on GMACM'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 30 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 on the attached exhibits to the verified complaint or by calling the GMACM 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 February 26, 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 GMACM'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.

9. GMACM may file and serve any written reply to any opposition papers received by March 12, 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 GMACM 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: GMACM 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 30 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 GMACM'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 J.S.C.