

FILED Feb 19, 2013

ROSABIANCA  
& ASSOCIATES, PLLC  
Attorneys and Counselors At Law

February 13, 2013

**VIA CERTIFIED MAIL, RRR**

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

RECEIVED

FEB 19 2013

SUPERIOR COURT  
CLERK'S OFFICE

Mr. D. Brian O'Dell  
Bradley Arant Boult Cummings LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, Alabama 35203-2119

Hon. Judge Innes  
Superior Court of New Jersey  
Mercer County Courthouse, First Floor  
175 South Broad Street  
Trenton, New Jersey 08650-0068

**Re: Docket No.: F-025354-12**  
**In re: Application of GMAC Mortgage LLC to issue corrected**  
**Notice of Intent to Foreclose on behalf of identified foreclosure**  
**Plaintiffs in Uncontested Cases**  
**Loan #7436659312**  
**Foreclosure Defendants: John and Wendy Locasto et. al.**  
**Premises: 13 Jennings Court, Hillsborough, New Jersey 08844**  
**Clients' Docket No.: SWC - F -022698-09**

Dear Sir or Madam:

The office of the undersigned represents Mr. John Locasto and Mrs. Wendy Locasto, as counsel, specifically with regard to a foreclosure action against the above Premises and the above Docket Number. More specifically, this letter shall serve as the formal requisite notice of objection to GMAC's request to serve the corrected Notice of Intention to Foreclose dated January 18, 2013 for all of the reasons explained below.

This office is in receipt of a letter dated January 18, 2013 (a copy of same is annexed hereto) in which GMAC Mortgage explains that my clients are defendants in a pending foreclosure action and it is believed that the Notice of Intention to Foreclose (hereinafter "NOI") served upon them prior to

40 Wall Street, 30th Floor  
New York, New York 10005  
T 212.269.7722  
F 212.269.7799

commencement of the foreclosure action did not comply with the Fair Foreclosure Act.

Moreover, the enclosed Order to Show Cause cites the case of U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012) in which the Court determined that it may entertain summary actions by Orders to Show Cause as to why Plaintiffs in any **uncontested** residential mortgage foreclosure actions should not be allowed to serve corrected NOI's on defendant/mortgagors.

Respectfully, the above cited case does not apply to the facts of the instant matter. Annexed hereto please find a copy of the Summons and Complaint dated June 23, 2009 and filed under Docket Number F-022698-09. Also annexed hereto please find a copy of my clients' Answer contesting portions of said Complaint which was successfully filed on July 17, 2009. I have also enclosed a letter dated November 10, 2009 from Phelan Hallinan & Schmieg, PC entitled "Notice Pursuant to Section 6 of the Fair Foreclosure Act" and my clients' reply in defense of same.

Pursuant to the enclosed documents, the instant case is not and never was an "uncontested" residential mortgage foreclosure. My clients filed an Answer, replied to all correspondence and attempted on numerous occasions to modify the terms of their current loan in good faith. Unlike the Defendants in **Guillaume**, who did not file an Answer or otherwise appear in the foreclosure action, my clients have pursued their defense and appeared with diligence throughout the span of this case.

As such, the undersigned on behalf of the above foreclosure Defendants formally object to the Order to Show Cause by which the Court gave GMAC permission to serve the corrected NOI as the facts of the instant case are clearly distinguishable from those of **Guillaume**, as previously explained.

Moreover, although the Complaint does include a Notice as required by the Fair Debt Collection Practices Act, the Complaint lacks the NOI requirements of NJSA 2A: 50-56. Pursuant to said Act, effective January 14, 2004, "upon failure to perform any obligation of a residential mortgage by the residential mortgage debtor and before any residential mortgage lender may accelerate the maturity of any residential mortgage obligation and commence any foreclosure or other legal action to take possession of the residential property which is the subject of the mortgage, the residential mortgage lender shall give the residential mortgage debtor notice of such intention at least 30 days in advance of such action..." Section (b) further explains that all notices must be in writing and sent to the debtor via registered or certified mail, return receipt requested.

In the instant matter, the attached Complaint is dated June 23, 2009 and no such NOI was provided 30 days prior to the filing of the Summons and Complaint. Surely, if GMAC did send the required notice as required by the above statute, they will be able to produce the certified or registered mail receipt. Otherwise, the Complaint should be dismissed for lack of compliance with yet another procedural requirement.

Moreover, the Notice provided in the Complaint doesn't comply in the following (non-exhaustive) instances under NJSA 2A:50-56(c):

(4) include what performance, including the sum of money, if any and interest shall be tendered to cure the default

**-paragraph 8 lists a figure but qualifies same by stating that interest, late charges and other charges may apply from day to day.**

(5) the date by which the debtor shall cure the default

**-no specific date is listed any paragraph.**

(7) that the debtor shall be responsible for the lender's court costs and attorneys' fees not to exceed the amount permitted pursuant to the Rules Governing the Courts of the State of New Jersey

**-paragraph 6 does not contain the required language.**

(8) the right of the debtor to transfer the real estate to another person

**-no such right is included.**

(9) that the debtor is advised to seek counsel from an attorney and what they may do if they cannot afford one

**-no such right is included.**

(10) the possible availability of financial assistance for curing a default

**-no such right is included.**

(11) the name of address of the lender and telephone number for a representative of same

**-no such information is included. Paragraph 7 references the attorney's information with no phone number and paragraph 8 does not provide any contact information whatsoever. NO information concerning the lender is included at all.**

The enclosed letter dated November 10, 2009, nearly 5 months AFTER the Summons and Complaint was dated [which violates NJSA 2A:50-56 insofar as it must be served 30 days IN ADVANCE of filing an action], sent by Phelan Hallinan & Schmieg, PC, which purports to comply with the Notice Pursuant to Section 6 of the Fair Foreclosure Act also fails procedurally for all of the above reasons.

As such, this objection is based on the above facts since the first time the above Plaintiff has attempted to serve a compliant NOI is dated January 18, 2013, **over 3 years** after Plaintiff's first non-compliant pleading.

According to EMC Mortgage Corp. v. Chaudhri, 400 N.J. Super 126, 137, 946, Lender's substantial compliance with the FFA is not enough; strict compliance is required. Under Bank of NY Mellon v. Elghossain, 419 NJ Super 336, 337, merely re-serving the NOI would eviscerate the statute's plain meaning and effectively reward Plaintiff for its neglect, regardless of how benign it may appear. Violations of requirement, under the FFA, that NOIs must include the name and address of the lender and the telephone number of a representative of same required dismissal of the foreclosure complaint served upon mortgagors. Id. The FFA was clear, unambiguous and readily comprehensible. Identification of the foreclosing lender was required to be set forth in the NOI to foreclose. Id. at 341.

In sum, because the facts of this case are completely distinguishable from those in *Guillaume* and because the Plaintiff's first attempt at a compliant notice pursuant to the FFA is dated January 18, 2013, over 3 years after the initial pleading, the Plaintiff should not reap the benefit of its neglect by being permitted to re-serve the amended NOI upon Defendants Id at 341. The only appropriate remedy for the egregious violations included herein would be the dismissal of the foreclosure action without prejudice Id. at 341. and the Defendants hereby request that the Court consider this correspondence a letter-application for that relief, and such other, further, and additional relief as justice requires.

Thank you.

ROSABIANCA & ASSOCIATES, PLLC

By:



Kristin Hitsons, Esq.

Enclosures

cc: Mr. John Locasto and Mrs. Wendy Locasto

**GMAC**  
**Mortgage**

3451 Hammond Avenue  
PO Box 780  
Waterloo IA 50704-0780

1/18/2013

JOHN J LOCASTO  
13 JENNINGS COURT  
HILLSBOROUGH TOWNSHIP NJ 08844

Re: Order to Show Cause - In re Application by GMAC Mortgage, LLC, Superior Court of New Jersey, Chancery Division, Mercer County, Docket No.: F-025354-12

Dear JOHN J LOCASTO:

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 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.

By the court's Order to Show Cause dated December 13, 2012, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, Hon. Paul Innes, P.J.Ch., Mercer Vicinage, gave permission to GMAC Mortgage, LLC ("GMACM") to serve, along with the Order to Show Cause and verified complaint, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012.

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

Enclosed with this letter are copies of the Order to Show Cause and verified complaint. The verified complaint lists the following lenders in the following counts:

- Count One – Ally Bank
- Count Two – Amalgamated Bank
- Count Three – Deutsche Bank National Trust Company
- Count Four – DLJ Mortgage Capital, Inc.
- Count Five – E\*Trade Bank
- Count Six – EMC Mortgage, LLC

Count Seven – GMAC Mortgage, LLC  
Count Eight – HSBC Bank USA, N.A.  
Count Nine – Lehman Capital  
Count Ten – LEX Special Assets, LLC  
Count Eleven – Macquarie Mortgages USA, Inc.  
Count Twelve – OneWest Bank FSB  
Count Thirteen – R.B.S. Citizens, N.A.  
Count Fourteen – Residential Funding Company, LLC  
Count Fifteen – Bank of New York Mellon Trust Company, N.A.  
Count Sixteen – U.S. Bank, N.A.  
Count Seventeen – USAA Federal Savings Bank  
Count Eighteen – Wells Fargo Bank, N.A.  
Count Nineteen – Wilmington Trust Company  
Count Twenty – Pending Bankruptcy Matters

The attachments to the verified complaint, which lists the foreclosure actions in which the above-named lenders are the plaintiffs, will be made available on the New Jersey Courts' website at <http://www.judiciary.state.nj.us/>. If you are unsure of the docket number for your foreclosure action, you can access that information on the Courts' website on the attached exhibits to the verified complaint by entering your name into the automatic search on the website. If you do not have access to a computer or have trouble locating that information on the Courts' website, you can contact Maribel Telles with GMACM at 214-874-2195 who can assist you with locating the information about your foreclosure action.

#### **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 Maribel Telles with GMACM at 214-874-2195. 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.

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 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

You must also serve a copy of the objection on the plaintiff's attorney:

D. Brian O'Dell  
Bradley Arant Boult Cummings LLP  
1819 Fifth Avenue North  
Birmingham, AL 35203

and mail a copy of the objection to Judge Innes at:

The Honorable Paul Innes, P.J. Ch.  
Superior Court of New Jersey  
Mercer County Courthouse, First Floor  
175 South Broad Street  
Trenton, New Jersey 08650-0068.

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).

# **GMAC Mortgage**

3451 Hammond Avenue  
PO Box 780  
Waterloo IA 50704-0780

1/18/2013

Certified Number: 7012 2210 0000 5436 9163  
JOHN J LOCASTO

13 JENNINGS COURT  
HILLSBOROUGH TOWNSHIP NJ 08844

### Notice of Intention to Foreclose

RE: Account Number 7436659312  
Property Address 13 JENNINGS COURT  
HILLSBOROUGH TOWNSHIP NJ 08844

Dear JOHN J LOCASTO

This notice is regarding the mortgage loan held by The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., successor by merger to Bank One National Association, as Trustee for RFMSI 2003-S18 whose address is 525 William Penn Place, 7th Floor, Pittsburgh, PA 15259. The mortgage loan is secured by the below property.

13 JENNINGS COURT  
HILLSBOROUGH TOWNSHIP NJ 08844

The original amount of the mortgage loan is \$ 469,000.00

GMAC Mortgage, LLC is the servicer of this mortgage.

Your mortgage payments are past due for 3/1/2009 through 1/1/2013 payments, which puts you in default of your loan agreement. As of 1/18/2013, you owe the following:

Payments .....	\$249,872.90
Accrued late charges .....	\$ 8,344.80
Property Preservation.....	\$ 549.50
Suspense .....	\$ 3,136.40
Total Due .....	\$255,630.80

(continued on next page)

*325,919.86*

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Account Number 7436659312  
Page Two

You may cure your default by paying the aforesaid amount by bank check or certified funds so it is received on or before 1/31/2013 at

GMAC Mortgage, LLC  
Payment Processing  
3451 Hammond Ave  
Waterloo, IA 50702  
1-800-850-4622

If you pay to cure your default and GMAC Mortgage, LLC receives the bank check or certified funds after 1/31/2013 you may only cure your default by paying \$259,525.06, which is the aforesaid amount plus the additional monthly payment and late charges due on 2/1/2013.

If you do not cure the default by 2/22/2013, The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A., successor by merger to Bank One National Association, as Trustee for RFMSI 2003-S18 intends to exercise its right to accelerate the mortgage payments, consider the mortgage in default, and proceed with the pending foreclosure proceedings on the property to terminate your ownership interest.

Due to the non-receipt of your monthly mortgage payment, we may perform an inspection of the above-mentioned property. Inspections are performed to determine the condition and occupancy status of the property. As required by law, you are hereby notified that your credit rating may be adversely affected if you do not fulfill the terms of your credit obligations.

Even if a foreclosure is started, you have the right to reinstate your account until a judgment in foreclosure is entered. However, if a foreclosure is initiated, in addition to curing all missed payments, late charges, and other necessary items, you will be required to pay for attorney fees and costs in an amount not to exceed that amount permitted pursuant to Rules Governing the Courts of the State of New Jersey.

At any time you may transfer your property to another person and that person may have the right to cure the default, if the mortgage documents allow.

You have the right to, and should immediately seek, counsel from an attorney of your own choosing concerning this default situation, and if you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association or Lawyer Referral Service in the county where the mortgage property is located. If you are unable to afford an attorney, you may communicate with the legal service offices in the county in which the property is located. These telephone numbers can be found on the enclosure.

(continued on next page)

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Account Number 7436659312  
Page Three

There may be financial assistance available for curing a default from programs operated by the state or federal government or non-profit organizations. You may wish to call the following numbers to determine whether you qualify for assistance:

HUD Housing Counseling Services: 1-800-569-4287  
Veterans' Administration: 1-800-827-1000  
New Jersey Commissioner of Banks: 1-609-292-3420

The New Jersey Department of Banking and Insurance also promulgates a list of organizations that may be able to provide assistance. A copy of that list is enclosed with this notice.

If you disagree with the assertion that a default has occurred or the correctness of the calculation of the amount required to cure the default or have any other questions, please contact Maribel Telles at 214-874-2195.

Collection Department  
Loan Servicing

Enclosures

Please Note:

This is an attempt to collect a debt and any information obtained will be used for that purpose.

If you have filed for bankruptcy and your case is still active or if you have received an order of discharge, please be advised that this is not an attempt to collect a pre-petition or discharged debt. Any action taken by us is for the sole purpose of protecting our lien interest in your property and is not to recover any amounts from you personally. If you have surrendered your property during your bankruptcy case, please disregard this notice.

If you are currently in bankruptcy under Chapter 13, you should continue to make payments in accordance with your Chapter 13 Plan and disregard this notice.

**LIST OF GOVERNMENT AND NON-PROFIT ENTITIES THAT MAY PROVIDE  
FINANCIAL ASSISTANCE OR COUNSELING TO BORROWERS IN FORECLOSURE**

**Fair Foreclosure Act Notice of Intention to Foreclose - List of Entities Providing Assistance**

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.

American Credit Alliance, Inc. 26 S. Warren St. Trenton, NJ 08608 609-393-5400	Atlantic Human Resources, Inc. 1 S. New York Ave. Atlantic City, NJ 08401 609-348-4131	Consumer Credit Counseling Service of C New Jersey 1931 Nottingham Way Hamilton, NJ 08619 609-586-2574
Consumer Credit Counseling Service of New Jersey 185 Ridgedale Ave. Cedar Knolls, NJ 07927-1812 973-267-4324	Fair Housing Council of Northern New Jersey 131 Main St. Hackensack, NJ 07601 201-489-3552	Garden State Consumer Credit Counselin 225 Willowbrook Road Freehold, NJ 07728 1-800-992-4557
Jersey Counseling & Housing Development, Inc. 29 S. Blackhorse Pike Blackwood, NJ 08012 856-227-3683	Jersey Counseling & Housing Development, Inc. 1840 S. Broadway Camden, NJ 08104 856-541-1000	Mercer County Hispanic Association 200 E. State St., 2nd Floor Trenton, NJ 08607 609-392-2446
Middlesex County Economic Opportunities Corporation 1215 Livingston Ave. North Brunswick, NJ 08902 732-790-3344	Monmouth County Human Services Housing Services Unit P.O. Box 3000 Freehold, NJ 07728 732-431-7998	NJ Citizen Action (main office/financial ed center) 714 Broad St., Suite 2080 Newark, NJ 07102 973-643-8800 1-800-NJ-OWNER (loan counseling) 1-888-TAXES-11 (free tax preparation assis
NJ Citizen Action (Central Jersey) 85 Raritan Ave., Suite 100 Highland Park, NJ 08904 732-246-4772	NJ Citizen Action (South Jersey) 2 Riverside Drive, Suite 362 Camden, NJ 08103 856-966-3091	Ocean Community Economic Action Now 22 Hyers St. Toms River, NJ 08753-0773 732-244-2351, ext. 2
Paterson Coalition for Housing, Inc. 262 Main St., 5th Floor Paterson, NJ 07505 973-684-5998	Paterson Task Force for Community Action, Inc. 155 Ellison St. Paterson, NJ 07505 973-279-2333	Puerto Rican Action Board Housing Coalition Unit 90 Jersey Ave. New Brunswick, NJ 08903 732-249-9700
Tri-County Community Action Agency, Inc. 110 Cobansey St. Bridgeton, NJ 08302 856-451-6330	Urban League for Bergen County 106 W. Palisade Ave. Englewood, NJ 07631 201-568-4988	Urban League for Essex County 508 Central Ave. Newark, NJ 07101 973-624-9535
Urban League of Union County 288 N. Broad St. Elizabeth, NJ 07208 908-351-7200	Homelessness Prevention Program New Jersey Department of Community Affairs (866) 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.

## Lawyer Referral Service

Following is a listing of county bar associations that offer lawyer referral services. Locate your county of residence and contact the appropriate service. Do not contact referral services that are outside of your local county.

**Atlantic County Bar Association**  
1201 Bacharach Boulevard  
Atlantic City, NJ 08401  
609-345-3444  
E-Mail:  
Tamara.Lamb@atcobar.org  
Internet: www.atcobar.org  
Exec. Dir.: Tamara M. Lamb

**Bergen County Bar Association**  
15 Bergen Street  
Hackensack, NJ 07601  
201-488-0044  
Internet: www.bergenbar.org  
Exec. Dir.: Frank O'Marra Jr.

**Burlington County Bar Association**  
45 Grant Street  
Mount Holly, NJ 08060  
609-261-4862 or 609-261-4865  
Email: hebun@burlcobar.org  
Internet: www.burlcobar.org  
Director: Kara E. Edens

**Camden County Bar Association**  
1040 North Kings Highway,  
Suite 201  
Cherry Hill, NJ 08034  
856-482-0618  
Internet:  
www.camdencountybar.org  
Exec. Dir.: Laurence B. Pelletier

**Cape May County Bar Association**  
9 North Main Street  
Cape May Courthouse, NJ  
08210  
609-463-0313  
E-Mail: cmcbar@comcast.net  
Exec. Dir.: Michele Devine-Hutnett

**Cumberland County Bar Association**  
PO Box 2374  
Vineland, NJ 08362  
856-453-7000  
E-Mail:  
Info@cumbnjbarassoc.org  
Internet:  
www.cumbnjbarassoc.org  
Exec. Dir.: Lou Ann Ferrarino

**Essex County Bar Association**  
470 Martin Luther King Jr.  
Boulevard  
Newark, NJ 07102  
973-533-6775  
E-mail: Info@essexbar.com  
Internet: www.essexbar.com  
Exec. Dir.: Wendy E. Deer

**Gloucester County Bar Association**  
PO Box 338  
Woodbury, NJ 08096  
856-848-1589  
Email: baroffice@gebanj.org  
Internet: www.gebanj.org  
Exec. Dir.: Lynn Silverstein

**Hudson County Bar Association**  
583 Newark Avenue  
Jersey City, NJ 07306  
201-798-4708  
Internet: www.hebalaw.com  
Exec. Dir.: Lisa Burke

**Hunterdon County Bar Association**  
PO Box 573  
Annandale, NJ 08801  
908-236-6109  
E-mail:  
director@huntecolaw.org  
Internet: www.huntecolaw.org  
Exec. Dir.: Jeannine A. Gorman

**Mercer County Bar Association**  
1245 White Horse Mercerville  
Road, Suite 420  
Mercerville, NJ 08619  
609-585-6200  
E-mail:  
cbrennan@mercbar.com  
Internet: www.mercbar.com  
Exec. Dir.: Christine S. Broman

**Middlesex County Bar Association**  
87 Bayard Street  
New Brunswick, NJ 08901  
732-828-0053 ext. 100  
E-mail: admin@mebalaw.com  
Internet: www.mebalaw.com  
Exec. Dir.: Jonathan P. Cowles

**Monmouth Bar Association**  
Monmouth County Court House  
Freehold, NJ 07728  
732-431-5544  
Email:  
tmaciewicz.monmouthbar@ve  
rizon.net  
Internet:  
www.monmouthbarassociation  
.com  
Exec. Dir.: Tracy A. Settignano

**Morris County Bar Association**  
 28 Schuyler Place  
 Morristown, NJ 07960  
 973-267-5882  
 Email: [yperez@morriscountybar.com](mailto:yperez@morriscountybar.com)  
 Internet: [www.morriscountybar.com](http://www.morriscountybar.com)  
 Exec. Dir.: Nancy M. Bangiola

**Ocean County Bar Association**  
 PO Box 381  
 Toms River, NJ 08754  
 732-240-3666  
 Email: [karin@oceancountybar.org](mailto:karin@oceancountybar.org)  
 Internet: [www.oceancountybar.org](http://www.oceancountybar.org)

**Passaic County Bar Association**  
 401 Grand Street, 3rd Floor  
 Paterson, NJ 07505  
 973-345-4585  
 Internet: [www.passaicbar.org](http://www.passaicbar.org)  
 Exec. Dir.: Karen A. Corsi

**Salem County Bar Association**  
 856-935-5629  
 Internet: [www.salemcountybar.org](http://www.salemcountybar.org)

**Somerset County Bar Association**  
 20 North Bridge Street HCH 325  
 Somerville, NJ 08876  
 908-685-2323  
 Email: [cawinder@somersetbar.com](mailto:cawinder@somersetbar.com)

Internet: [www.somersetbar.com](http://www.somersetbar.com)  
 Exec. Dir.: Carol Ann Winder

**Union County Bar Association**  
 2 Broad Street 1st Floor  
 Elizabeth, NJ 07207  
 908-353-1715  
 Internet: [www.uclaw.com](http://www.uclaw.com)  
 Exec. Dir.: Jeffrey M. Clar

**Warren County Bar Association**  
 413 Second Street  
 Belvidere, NJ 07823  
 908-387-1835  
 Email: [warrencountybar@yahoo.com](mailto:warrencountybar@yahoo.com)

Assistance may also be available from the state Legal Services network. You may obtain information about Legal Services by contacting the statewide hotline at 1-888-LSNJ-LAW (576-5529) or by accessing the website at <http://www.lsnj.org/StatewideHotline.aspx>. A complete list of offices can be viewed at <http://www.lsnj.org/LegalServicesOffices.aspx>

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

GREENBERG TRAURIG LLP  
Ian S. Marx, Esq.  
200 Park Avenue  
P.O. Box 677  
Florham Park, NJ 07932  
973-360-7900 (telephone)  
973-301-8410 (facsimile)

Attorneys for GMAC Mortgage, LLC

-----	)	
	)	SUPERIOR COURT OF NEW JERSEY
IN RE APPLICATION BY GMAC	)	CHANCERY DIVISION
MORTGAGE, LLC TO ISSUE	)	MERCER COUNTY
CORRECTED NOTICE OF INTENT	)	
TO FORECLOSE ON BEHALF OF	)	DOCKET NO.: F -025354-12
IDENTIFIED FORECLOSURE	)	
PLAINTIFFS IN UNCONTESTED	)	<u>CIVIL ACTION</u>
CASES	)	
	)	
	)	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 at 10:00 o'clock in the forenoon 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.<sup>1</sup>

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

<sup>1</sup> 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.

FILED Oct 25, 2012

GREENBERG TRAURIG LLP  
Ian S. Marx, Esq.  
200 Park Avenue  
P.O. Box 677  
Florham Park, NJ 07932  
973-360-7900 (telephone)  
973-301-8410 (facsimile)

Attorneys for GMAC Mortgage, LLC

		) SUPERIOR COURT OF NEW JERSEY
		) CHANCERY DIVISION
IN RE APPLICATION BY GMAC		) MERCER COUNTY
MORTGAGE, LLC TO ISSUE		)
CORRECTED NOTICES OF INTENT		) DOCKET NO.: F-025354-12
TO FORECLOSE ON BEHALF OF		)
IDENTIFIED FORECLOSURE		) <u>CIVIL ACTION</u>
PLAINTIFFS		)
		)
		) VERIFIED COMPLAINT IN SUPPORT
		) OF ORDER TO SHOW CAUSE
		)

GMAC Mortgage, LLC ("GMACM"), on behalf of itself and authorized to act on behalf of the plaintiffs in pending, pre-judgment uncontested foreclosure actions (the "Foreclosure Plaintiffs"), brings this action pursuant to the April 4, 2012 Order of the New Jersey Supreme Court (the "April 4<sup>th</sup> Order") that was entered following the Court's decision in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), ("Guillaume"). GMACM respectfully states as follows:

1. GMACM is a limited liability company and a wholly owned subsidiary of GMAC Residential Holding Company, LLC.
2. GMACM services mortgage loans for residential properties in New Jersey.<sup>1</sup>
3. When GMACM is the servicer of a loan, it undertakes payment collection, loss mitigation (modifications, short sales, deeds in lieu, etc.) and collection efforts, including

<sup>1</sup> GMACM also appears as a plaintiff in foreclosure proceedings where it may not be the servicer of the loan. This current application to the Court does not include those cases in which the loan is serviced by an entity other than GMACM.

foreclosure, with respect to a mortgage loan. If a loan is owned by another entity, GMACM 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, GMACM 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 GMACM's system of record. In cases in which GMACM is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information, as the Supreme Court recognized when it revised the Court Rules governing foreclosures at R. 4:64-1 and R. 4:64-2 in June 2011. GMACM makes this application to the Court pursuant to the authority granted to GMACM as the servicer of Foreclosure Plaintiffs in pending foreclosure cases.

4. The identities of the Foreclosure Plaintiffs in the foreclosure cases for which GMACM is seeking to issue corrected Notices of Intention to Foreclose ("NOI") are identified alphabetically in Counts 1 through 20. Attached as Exhibits A-1 through A-20 to each of those Counts are the current lists of the pending, uncontested foreclosure cases that require corrected NOIs (collectively referred to hereafter as the "Corrected NOI List").

5. One of the duties of a servicer on a defaulted mortgage loan in New Jersey is to prepare and serve the NOI in accordance with N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by GMACM 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 in which to object or to cure the default.

9. GMACM reviewed its pending foreclosure cases to identify those foreclosure cases in which the previously served NOIs failed to adhere to the requirements of N.J.S.A. 2A:50-56(c). The Corrected NOI List was reviewed for accuracy to verify the status of the foreclosure, 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 includes the portfolio of loans that are pre-judgment, uncontested foreclosures that GMACM is servicing and in which deficient NOIs were served by GMACM. Specifically, as directed by the Supreme Court in Guillaume and the April 4<sup>th</sup> Order, the Corrected NOI List will include a listing of:

- a. foreclosures that were filed on or before February 27, 2012 and which GMACM is servicing loans it owns or acting as servicer for a Foreclosure Plaintiff;
- b. in which final judgment has not been entered; and,
- c. in which GMACM is seeking leave to file a corrected NOI to include the identity of the lender, the lender's address, and any other requirements of N.J.S.A. 2A:50-56(c)(1)-(11).

11. The Corrected NOI List also identifies (1) the name of the lender on each loan which is listed as the plaintiff in the foreclosure action, (2) the name of the first named Foreclosure Defendant, (3) the foreclosure docket number, and (4) the vicinage.<sup>2</sup> While GMACM 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 B to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that GMACM intends to send to each Foreclosure Defendant. As instructed by 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. the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI;

<sup>2</sup> Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the lender initially identified in the foreclosure action as plaintiff may not be the current lender listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and GMACM will require that foreclosure counsel take appropriate steps to change the plaintiff in affected foreclosure actions where required.

- c. identifies the individual(s) a Foreclosure Defendant should contact with any questions; and,
- d. 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 cases.

13. Attached as Exhibit C to the Verified Complaint is the proposed form of corrected NOI which GMACM will send to each of the Foreclosure Defendants identified on the Corrected NOI List. 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's name and address and the amount to reinstate, as provided for in the Order to Show Cause.

**COUNT ONE—ALLY BANK**

14. GMACM services residential mortgage loans in New Jersey for Ally Bank pursuant to an agreement between the parties.

15. Attached as Exhibit A-1 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Ally Bank and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT TWO—AMALGAMATED BANK**

16. GMACM services residential mortgage loans in New Jersey for Amalgamated Bank and some of its affiliated entities pursuant to an agreement between the parties.

17. Attached as Exhibit A-2 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Amalgamated Bank and in which GMACM

requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT THREE—DEUTSCHE BANK NATIONAL TRUST COMPANY**

18. GMACM services residential mortgage loans in New Jersey for Deutsche Bank National Trust Company and some of its affiliated entities pursuant to an agreement between the parties.

19. Attached as Exhibit A-3 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Deutsche Bank National Trust Company and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT FOUR—DLJ MORTGAGE CAPITAL, INC.**

20. GMACM services a residential mortgage loan in New Jersey for DLJ Mortgage Capital, Inc. pursuant to an agreement between the parties.

21. Attached as Exhibit A-4 is a list of the pending, uncontested foreclosure in New Jersey that is being serviced by GMACM for DLJ Mortgage Capital, Inc. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT FIVE—E\*TRADE BANK**

22. GMACM services residential mortgage loans in New Jersey for E\*Trade Bank pursuant to an agreement between the parties.

23. Attached as Exhibit A-5 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for E\*Trade Bank and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A.

2A:50-56(c).

**COUNT SIX—EMC MORTGAGE, LLC**

24. GMACM services a residential mortgage loan in New Jersey for EMC Mortgage, LLC pursuant to an agreement between the parties.

25. Attached as Exhibit A-6 is a list of the pending, uncontested foreclosure in New Jersey that is being serviced by GMACM for EMC Mortgage, LLC and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT SEVEN—GMAC MORTGAGE, LLC**

26. GMACM services residential mortgage loans in New Jersey for which GMACM is the mortgagee.

27. Attached as Exhibit A-7 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for itself and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT EIGHT—HSBC BANK USA, N.A.**

28. GMACM services residential mortgage loans in New Jersey for HSBC Bank USA, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

29. Attached as Exhibit A-8 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for HSBC Bank USA, N.A. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT NINE—LEHMAN CAPITAL**

30. GMACM services residential mortgage loans in New Jersey for Lehman Capital

pursuant to an agreement between the parties.

31. Attached as Exhibit A-9 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Lehman Capital and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT TEN—LEX SPECIAL ASSETS, LLC**

32. GMACM services a residential mortgage loan in New Jersey for LEX Special Assets, LLC pursuant to an agreement between the parties.

33. Attached as Exhibit A-10 is a list of the pending, uncontested foreclosure in New Jersey that is being serviced by GMACM for LEX Special Assets, LLC and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT ELEVEN—MACQUARIE MORTGAGES USA, INC.**

34. GMACM services a residential mortgage loan in New Jersey for Macquarie Mortgages USA, Inc. pursuant to an agreement between the parties.

35. Attached as Exhibit A-11 is a list of the pending, uncontested foreclosure in New Jersey that is being serviced by GMACM for Macquarie Mortgages USA, Inc. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT TWELVE—ONEWEST BANK FSB**

36. GMACM services a residential mortgage loan in New Jersey for OneWest Bank FSB pursuant to an agreement between the parties.

37. Attached as Exhibit A-12 is a list of the pending, uncontested foreclosure in New

Jersey that is being serviced by GMACM for OneWest Bank FSB and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

COUNT THIRTEEN--R.B.S. CITIZENS, N.A.

38. GMACM services a residential mortgage loan in New Jersey for R.B.S. Citizens, N.A., pursuant to an agreement between the parties.

39. Attached as Exhibit A-13 is a list of the pending, uncontested foreclosure in New Jersey that is being serviced by GMACM for R.B.S. Citizens, N.A. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

COUNT FOURTEEN--RESIDENTIAL FUNDING COMPANY, LLC

40. GMACM services residential mortgage loans in New Jersey for Residential Funding Company, LLC pursuant to an agreement between the parties.

41. Attached as Exhibit A-14 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Residential Funding Company, LLC and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

COUNT FIFTEEN--BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

42. GMACM services residential mortgage loans in New Jersey for The Bank of New York Mellon Trust Company, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

43. Attached as Exhibit A-15 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for The Bank of New York Mellon Trust Company,

N.A. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT SIXTEEN—U.S. BANK, N.A.**

44. GMACM services residential mortgage loans in New Jersey for U.S. Bank, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

45. Attached as Exhibit A-16 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for U.S. Bank, N.A. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT SEVENTEEN—USAA FEDERAL SAVINGS BANK**

46. GMACM services a residential mortgage loan in New Jersey for USAA Federal Savings Bank pursuant to an agreement between the parties.

47. Attached as Exhibit A-17 is a list of the pending, uncontested foreclosure in New Jersey that is being serviced by GMACM for USAA Federal Savings Bank and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

**COUNT EIGHTEEN—WELLS FARGO BANK, N.A.**

48. GMACM services residential mortgage loans in New Jersey for Wells Fargo Bank, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

49. Attached as Exhibit A-18 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Wells Fargo Bank, N.A. and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

COUNT NINETEEN—WILMINGTON TRUST COMPANY

50. GMACM services residential mortgage loans in New Jersey for Wilmington Trust Company and some of its affiliated entities pursuant to an agreement between the parties.

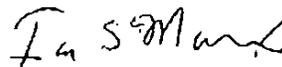
51. Attached as Exhibit A-19 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Wilmington Trust Company and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

COUNT TWENTY—PENDING BANKRUPTCY MATTERS

52. Attached as Exhibit A-20 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for the lenders in Counts 1 through 19 that are currently subject to the automatic bankruptcy stay. GMACM intends to send corrected NOIs in these matters when permitted by the Bankruptcy Court and in accordance with the instructions of this Court.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order permitting GMACM to issue corrected NOIs in an omnibus manner as permitted in the April 4<sup>th</sup> Order in the pending, uncontested foreclosure cases listed on the Corrected NOI List and for such other and further relief as this Court deems just and equitable.

GREENBERG TRAUBIG LLP



Ian S. Marx, Esq.

Dated: October 25, 2012

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 to be submitted to the Court. 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.

Ian S Marx  
Ian S. Marx, Esq.

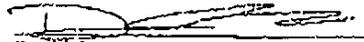
Dated: October 21, 2012

VERIFICATION

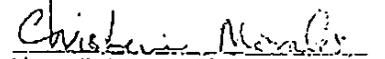
STATE OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF MONTGOMERY )

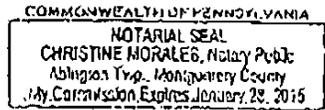
Before me, the undersigned notary public, this day, personally appeared David Cunningham, to me known, who being duly sworn according to law, deposes the following:

1. I am the Default Director for GMACM, the applicant named in the foregoing Verified Complaint.
2. The 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.

  
David Cunningham

Subscribed and sworn to before me this 10<sup>th</sup> day of October, 2012.

  
Notary Public Christine Morales



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07/07/2009 14:08 7189481966

Laura Matarrese Esqs  
Laura Matarrese Esqs

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PAGE 09/22

**PHILAN HALLINAN & SCHMIEG, PC**  
By: Rosemarie Diamond, Esq.  
400 Fellowship Road  
Suite 100  
Mt. Laurel, NJ 08054  
(856) 813-5500  
Attorneys for Plaintiff

*30 days*

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, NATIONAL ASSOCIATION FKA THE  
BANK OF NEW YORK TRUST COMPANY, N.A.  
AS SUCCESSOR TO JPMORGAN CHASE BANK  
N.A. SBM BANK ONE NATIONAL ASSOCIATION  
AS TRUSTEE FOR R/FMSI 2003S18  
PLAINTIFF

VS.

JOHN J. LOCASTO, JR., ET AL.  
DEFENDANT (S)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
SOMERSET COUNTY

DOCKET NO: R-22698-09

CIVIL ACTION  
SUMMONS

**THE STATE OF NEW JERSEY, TO THE DEFENDANTS DESIGNATED BELOW**

**YOU ARE HEREBY SUMMONED** in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s), whose name and office address appears above, an answer to the annexed Foreclosure Complaint within 35 days after the service of the Summons and Complaint upon you, exclusive of the date of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your answer with a filing fee of \$135.00 made payable to the Clerk of the Superior Court and proof of service thereof in duplicate with the Clerk of the Superior Court at CN 971, Trenton, New Jersey 08625, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay an attorney call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county Lawyer Referral Service. These numbers may be found on the attached list or in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service (732) 249-5000. The phone numbers for the county in which this action is pending are: Lawyer Referral Service 908-685-2323, Legal Services Office 908-231-0840. See reverse side for a list of all other counties.

Dated: June 23, 2009

Jennifer M. Perez

Jennifer M. Perez, Acting Clerk  
Superior Court of New Jersey

Name & Address of Defendant to be served:

John J. Locasto, Jr.;  
Mrs. John J. Locasto, Jr., His Wife;  
Wendy Locasto;  
Mr. Locasto, Husband of Wendy Locasto;  
Henry A. Setaro;  
Sandra L. Setaro  
13 Jennings Court  
Hillsborough Township, NJ 08844

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Laura Matarrese ESL  
Laura Matarrese ESGS

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GMAC-4011  
Phelan Hallinan and Schmieg, P.C.  
400 Fellowship Road, Suite 100  
Mount Laurel, NJ 08054  
(856) 813-5500  
Attorneys for Plaintiff

**FILED**

APR 8 0 2009

SUPERIOR COURT  
CLERK'S OFFICE

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, NATIONAL  
ASSOCIATION FKA THE BANK OF NEW  
YORK TRUST COMPANY, N.A. AS  
SUCCESSOR TO JPMORGAN CHASE  
BANK N.A. SBM BANK ONE NATIONAL  
ASSOCIATION AS TRUSTEE FOR RFMSI  
2003S18  
PLAINTIFF

Vs.

JOHN J. LOCASTO, JR.;  
MRS. JOHN J. LOCASTO, JR., HIS WIFE;  
WENDY LOCASTO;  
MR. LOCASTO, HUSBAND OF WENDY  
LOCASTO;  
HENRY A. SETARO;  
SANDRA L. SETARO;  
KAREN E. BEZNER, TRUSTTEE;  
CIT GROUP;  
CIT GROUPEQUIPMENT FINANCING,  
INC.;  
MARCY E. SCHWARTZ;  
STATE OF NEW JERSEY  
DEFENDANT(S)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
SOMERSET COUNTY

DOCKET NO: F- 22698-09

CIVIL ACTION  
FORECLOSURE COMPLAINT

The Bank of New York Mellon Trust Company, National Association fka The  
Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. sbm Bank  
One National Association as Trustee for RFMSI 2003S18, having its place of business at 1100  
VIRGINIA DR., FORT WASHINGTON, PA 19034, by way of Complaint says:

FIRST COUNT

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LAURA MATARRESE ESQS

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1. On July 21, 2003, JOHN J. LOCASO, JR. and WENDY LOCASO executed to Wachovia Mortgage Corporation an obligation (NOTE), to secure the sum of \$469,000.00, payable on August 1, 2018, with the initial rate of interest of 5% per annum, payable by payments of \$3,708.82 per month for interest and principal. The Note further provides for a late charge of 5 percent for any payment not received 15 days from the date due.

2. To secure the payment of the obligation described in Paragraph 1, JOHN J. LOCASO, JR. and WENDY LOCASO executed to Mortgage Electronic Registration Systems Inc. as nominee for Wachovia Mortgage Corporation its successors and assigns a Non Purchase Money Mortgage on the same date as the Note, and thereby conveyed to it, in fee the land hereinafter described, on the express condition that such conveyance should be void if payment should be made at the time and times, and in the manner described in the obligation. The Mortgage was recorded in the Office of the Clerk of SOMERSET County, in Book 5424 of Mortgages, Page 2407. The Mortgage was recorded July 28, 2003. The Note and Mortgage have been assigned as follows:

- a. On April 29, 2009, Mortgage Electronic Registration Systems Inc. as nominee for Wachovia Mortgage Corporation its successors and assigns assigned the mortgage to The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. dba Bank One National Association as Trustee for RFMSI 2003S18. The assignment is in the process of being recorded.
- b. The Plaintiff is the owner and/or holder of the Note and Mortgage.
- c. JOHN J. LOCASO, JR. is a/k/a JOHN F. LOCASO, JR.

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3. The mortgaged premises, that is the land that secures the Note, are described below:

All That tract or parcel of land and premises, situate, lying and being in the Township of Hillsborough in the County of Somerset and State of New Jersey, more particularly described as follows:

BEING known as Lot No. 39 in Block 205.15 as shown on a map entitled 'Final Prepared for Country Classics in the Millstone Valley 1, Phase 2, Sheet 2 of 2', filed 3/10/1999 in the Middlesex County Clerk's Office as Map No. 3397, Sheet 2 of 2.

BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING at a common corner between Lots 39 and 40 in Block 205.15 as located on the Northeasterly sideline of Jennings Court (50 feet ROW), said corner being further located 700.64 measured Southeasterly along said sideline from its intersection with the Southeasterly sideline of Matrick Court (50 feet ROW), if said sidelines were projected Northwesterly and Southwesterly respectively and from said point of beginning running; thence

(1) Leaving said sideline and along the common line between Lots 39 and 40, North 28 degrees 03 minutes 15 seconds East, a distance of 208.64 feet to a corner on the common line with Lot 54 in Block 205.15; thence

(2) Along the common line with Lot 54, South 69 degrees 25 minutes 20 seconds East, a distance of 141.79 feet to a common corner between Lots 39, 54 and 55 in Block 205.15; thence

(3) Along the common line between Lots 39 and 55, South 88 degrees 15 minutes 33 seconds East, a distance of 4.93 feet to a common corner between Lots 38 and 39 in Block 205.15; thence

(4) Along the common line between Lots 38 and 39, South 28 degrees 03 minutes 15 seconds West, a distance of 159.28 feet to a corner on the Northeasterly sideline of Jennings Court; thence along the aforementioned sideline the following three (3) course:

(5) In a Southwesterly direction along a curve to the left, having a radius of 60.00 feet and an arc length of 75.97 feet, said curve having a chord bearing of South 81 degrees 46 minutes 59 seconds West and chord distance of 70.99 feet to a point of reverse

(6) Continuing in a southwesterly direction along a curve to the right having a radius of 40.00 feet an arc length of 50.64 feet, said curve having a chord bearing of South 81 degrees 46 minutes 59 seconds West, and a chord distance of 74.33 feet to a point of tangency; thence

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(7) North 61 degrees 56 minutes 45 seconds West, a distance of 49.61 feet to the point and place of BEGINNING.

**FOR INFORMATION ONLY:**

BEING commonly known as Block 205.15, Lot 39 as set forth on the current tax map, Township of Hillsborough, Somerset County, New Jersey.

BEING COMMONLY KNOWN as 13 Jennings Court, Hillsborough, NJ 08844.

4. The Mortgage 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 1/12th of the annual taxes and insurance premiums that will next become due, which shall be applied by the Mortgagee to pay the taxes and insurance on the premises.

5. No other instruments appear of record which affect or may affect the premises described in Paragraph 3 except:

- a. MRS. JOHN J. LOCASO, JR., HIS WIFE is hereby named a party defendant herein for any lien, claim or interest she may have in, to or on the mortgaged premises, which were acquired after the date of the mortgage, because she is the wife of JOHN J. LOCASO, JR. and it not being known whether or not he is married. The deed and mortgage loan documents established that at the time of the mortgage JOHN J. LOCASO, JR. and WENDY LOCASO were married. This defendant is also joined for any lien, claim or interest she may have in, to or on the mortgaged premises by virtue of the Domestic Partnership Act N.J.S 26:8A-6.
- b. MR. LOCASO, HUSBAND OF WENDY LOCASO is hereby named a party defendant herein for any lien, claim or interest he may have in, to or on the mortgaged premises, which were acquired after the date of the mortgage, because

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he is the husband of WENDY LOCASO and it not being known whether or not she is married. The deed and mortgage loan documents established that at the time of the mortgage JOHN J. LOCASO, JR. and WENDY LOCASO were married. This defendant is also joined for any lien, claim or interest he may have in, to or on the mortgaged premises by virtue of the Domestic Partnership Act N.J.S 26:BA-6.

- c. HENRY A. SETARO and SANDRA L. SETARO are hereby named party defendants herein for any lien, claim or interest they may have in, to or on the mortgaged premises by virtue of the following mortgage:
- i. Mortgage: JOHN J. LOCASO, JR. and WENDY LOCASO to HENRY A. SETARO and SANDRA L. SETARO, dated January 3, 2003 and recorded April 15, 2004 in Mortgage Book 5570, Page 876. To Secure \$150,000.00.
- d. JOHN J. LOCASO, JR., and WENDY LOCASO are hereby further named party defendants herein for any lien, claim or interest they may have in, to or on the mortgaged premises by virtue of the following deeds:
- i. Deed: JOHN J. LOCASO, JR. and WENDY LOCASO to JOHN J. LOCASO, JR., WENDY LOCASO, HENRY A. SETARO and SANDRA L. SETARO, dated January 21, 2004 and recorded March 8, 2004 in Deed Book 5552, Page 847.
  - ii. Deed: JOHN J. LOCASO, JR., WENDY LOCASO, HENRY A. SETARO and SANDRA L. SETARO to JOHN J. LOCASO, JR., and

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WENDY LOCASTO, dated March 23, 2008 and recorded April 1, 2008 in  
Deed Book 6119, Page 2657.

e. KAREN E. BEZNER, TRUSTEE is hereby named a party defendant herein for  
any lien, claim or interest she may have in, to or on the mortgaged premises by  
virtue of the following Notice of Lis Pendens:

i. Notice of Lis Pendens: In the Matter of JOHN J. LOCASTO Bankruptcy  
No. 04-42460. KAREN E. BEZNER, TRUSTEE versus WENDY  
LOCASTO et. al. Adversary No. 05-02363, dated July 27, 2005 and  
recorded July 29, 2005 in Book 5777, Page 405.

f. CIT GROUP and CIT GROUP/EQUIPMENT FINANCING, INC. is hereby  
named a party defendant herein for any lien, claim or interest it may have in, to or  
on the mortgaged premises by virtue of the following judgment

SUPERIOR COURT OF NEW JERSEY

JUDGMENT NUMBER: NJ-226766-2004      CASE NUMBER: 10 16504  
DATE DOCKETED: 12/15/04      DATE OF JUDGMENT IN S.C.P.: 10/06/04  
TYPE OF ACTION: FOREIGN JUDGMENT  
VENUE: SOMERSET

DEBT: \$ 951,373.75  
DCKG: \$ 38.00

CREDITOR(S):  
CIT GROUP  
CIT GROUP/EQUIPMENT FINANCING INC  
1540 W FOUNTAINHEAD PY, TEMPE, AZ 85282  
ATTORNEY: HELFAND & HELFAND  
PO BOX 128  
MT FREEDOM NJ 07970  
973-989-6499

DEBTOR(S):  
LOCASTO REALTY CORP  
15 NEWARK AV, STATEN ISLAND, NY 10302  
MARK TELMANY  
14A PRATT COURT  
STATEN ISLAND, NY 10312  
WENDY LOCASTO  
JOHN P LOCASTO JR  
13 JENNINGS CT. HILLSBOROUGH, NJ 08844

JUDGMENT ENTERED IN THE COUNTY OF RICHMOND, STATE OF NEW YORK AND  
RECORDED IN THE STATE OF NEW JERSEY UNDER THE UNIFORM ENFORCEMENT OF  
FOREIGN JUDGMENTS ACT,  
03-20-07 ORDER DISCHARGING JUDGMENT PURSUANT TO BANKRUPTCY AS TO WENDY  
A LOCASTO. RECORDED 03-29-07.  
\*\*\* End of Abstract \*\*\*

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6. MARCY E. SCHWARTZ and STATE OF NEW JERSEY are hereby named a party defendant herein for any lien, claim or interest they may have in, to or on the mortgaged premises by virtue of the following judgment

SUPERIOR COURT OF NEW JERSEY  
JUDGMENT NUMBER: DJ-044447-2008 CASE NUMBER: WC-1346-0807-CED  
DATE DOCKETED: 02/20/08  
TYPE OF ACTION: CERTIF OF DEBT  
VENUE: SOMERSET

DEBT: \$ 926.70  
W/ INT FROM: 02/02/08  
CREDITOR(S):  
MARCY E SCHWARTZ  
380 E CARLTON AV, PISCATAWAY, NJ 08854  
DEBTOR(S):  
MORTGAGE LINKS OF NJ INC  
ONE HUNTERS GLEN  
FAR HILLS, NJ 07931  
AWARD

DEBT: \$ 124.67  
W/ INT FROM: 02/08/08  
CREDITOR(S):  
STATE OF NEW JERSEY  
DEBTOR(S):  
MORTGAGE LINKS OF NJ INC  
ONE HUNTERS GLEN  
FAR HILLS, NJ 07931

FEES AND COST  
CREDITOR(S):  
MARCY E SCHWARTZ  
STATE OF NEW JERSEY  
DEBTOR(S):  
HENRY A SETARO, PRESIDENT  
MORTGAGE LINKS OF NJ INC  
ONE HUNTERS GLEN  
FAR HILLS, NJ 07931

*Join*

DEBT CERTIFIED TO THE CLERK OF THE SUPERIOR COURT BY THE DEPARTMENT OF LABOR, DIVISION OF WAGE AND HOUR COMPLIANCE, JUDGMENT AMENDED TO INCLUDE HENRY A SETARO. RECORDED 05-01-08. MORTGAGE LINKS OF NEW JERSEY INC ADDED TO OUR INDEX. \*\*\* End of Abstract \*\*\*

i. Judgment for prior owner

6. The obligation described in Paragraph 1 contains an agreement that if any installment payment of interest and principal, taxes and insurance premiums remains unpaid for 30 days after the date it is due, the whole principal sum, with all unpaid interest, should at the option of the above named Mortgagee or the heirs, executors, administrators, representatives or assigns, become immediately due and payable.

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7. The defendant(s) named in paragraph #1 above, or the grantee or grantees, if any, of the defendant, have defaulted in making the payments to the plaintiff as required by the terms of the obligation and Mortgage referred to in paragraphs #1 and #2 above. The payments have remained unpaid for more than 30 days from the date the payments were due, and are still unpaid. Because the defendants have defaulted, Plaintiff, has elected that the whole unpaid principal sum due on the obligation and Mortgage referred to in paragraphs #1 and #2, with all unpaid interest and advances made, shall now be due.

8. Any interest or lien which the defendants have, or claim to have, in or upon the mortgaged premises or some part thereof is subject to the lien of plaintiff's mortgage.

9. Notice was sent in compliance with the fair foreclosure act more than 31 days prior to filing of the within complaint.

WHEREFORE, plaintiff demands judgment:

- a. Fixing the amount due on its mortgage.
- b. Barring and foreclosing the defendants and each of them of all equity of redemption in to said lands.
- c. Directing that the plaintiff be paid the amount due on its mortgage with interest and costs.
- d. Adjudging that said lands be sold according to law to satisfy the amount due plaintiff.
- e. Appointing a receiver of rents, issues and profits of said lands.

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## SECOND COUNT

1. By the terms of the Note/Bond and Mortgage referred to in paragraphs #1 and #2 of the First Count of this Complaint, the plaintiff is entitled to possession of a tract of land with the appurtenances as more particularly described in paragraph #3 of the First Count.

2. On February 1, 2009, the plaintiff, by the terms of the Note/Bond and Mortgage, becomes entitled to possession of the premises described in paragraph #3 of the First Count of this Complaint except as against those tenants protected under N.J.S.A. 2A: 18-61.1, et seq.

3. On January 1, 2009, the mortgage went in default. An installment of principal and interest, insurance and taxes was due and has not been received by the plaintiff.

4. The defendants named in paragraph #1 and paragraph #5 of the First Count of this Complaint have or may claim to have certain rights in the premises described in paragraph #3 of the First Count of this Complaint and by reason thereof have since the date set forth in paragraph #2 above deprived the plaintiff herein of the possession of the premises aforesaid.

WHEREFORE, Plaintiff demands judgment against defendants except those persons protected under N.J.S.A. 2A: 18-61.1, et seq.;

- a. For possession of the said premises to plaintiff, its successors or assignee and/or the purchaser at a foreclosure sale.
- b. For damages for mesne profits.
- c. For costs.

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CERTIFICATION PURSUANT TO RULE 4:5-1

The matter in controversy in this Complaint is not the subject of any other action pending in any other Court nor is it the subject of a pending Arbitration proceeding, nor are any other actions or Arbitration proceedings contemplated, and further, to the best of my knowledge, all parties who should be joined in this action have been joined, plaintiff however reserves its right to institute a deficiency suit following the foreclosure consistent with the appropriate New Jersey Statutes.

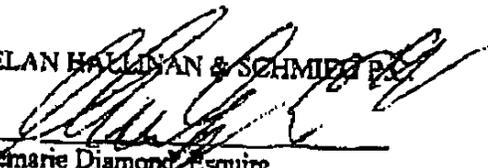
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**CERTIFICATION**

In accordance with Rule 4:5-1(b)(2), I hereby certify that pursuant to Rule 4:64-1(a), prior to filing the within complaint, I have caused a title search of the public record to be made for the purpose of identifying any lien holders or other persons or entities with an interest in the property that is the subject of this foreclosure.

**PHELAN HALLINAN & SCHMIED PC**  


- Rosemarie Diamond, Esquire
- Jaimie B. Finberg, Esquire
- Kristin J. Ritching, Esquire
- Vladimir Palma, Esquire
- Jennifer Novick, Esquire
- Brian Blake, Esquire
- Shirley E. Pimm, Esquire
- Brian Yoder, Esquire
- Thomas M. Brodowski, Esquire
- Sharon L. McMahon, Esquire
- Attorneys for Plaintiff

Dated: 4/30/09

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**NOTICE REQUIRED BY THE FAIR DEBT COLLECTION PRACTICES ACT, (the act),  
 15.U.S.C. SECTION 1601 AS AMENDED**

If this notice is the first notice that you have received from this office, please be advised of the following:

1. The amount of the original debt is stated in paragraph one of the Complaint attached hereto.
2. The Plaintiff who is named in the attached Summons and Complaint is the Creditor to whom the debt is owed.
3. The debt described in the Complaint attached hereto and evidenced by the copy of the Mortgage/Note will be assumed to be valid by the Creditor's law firm, unless the Debtor(s), within thirty days after receipt of this notice, disputes, in writing, the validity of the debt or some portion thereof.
4. If the Debtor notifies the Creditor's law firm in writing within thirty days of the receipt of this notice that the debt or any portion thereof is disputed, the Creditor's law firm will obtain verification of the debt and a copy of the verification will be mailed to the Debtor by the Creditor's law firm.
5. If the Creditor who is named as Plaintiff in the attached Summons and Complaint is not the original creditor, and if the Debtor makes a request to the Creditor's law firm within thirty (30) days from the receipt of this notice, the name and address of the original Creditor will be mailed to the Debtor by Creditor's law firm.
6. Availing your self of the rights set forth above does not mean that you are not also required to respond in accordance with the summons attached hereto, that indicates that you have thirty-five (35) days from time of service in which to file and answer with the court. While you may avail yourself of the rights set forth above, that will not, in any event, suspend the processing of the within foreclosure action. Further note that consistent with the summons attached, you have the right to file an answer and dispute the allegations of the complaint by filing said answer with the clerk of the court upon payment of an \$135.00 fee. As set forth in the summons, failure to file an answer or otherwise plead will result in default being entered upon you and, in all likelihood, the subject property being sold at a sheriff sale if arrangements are not made with the plaintiff concerning the mortgage indebtedness.
7. Should you desire a statement of the amount due, you may contact Phejan, Haflinar, & Schmieg, P.C. 403 Fellowship Road, Suite 100, Mount Laurel, NJ 08054 and same will be provided to you or your legal representative.

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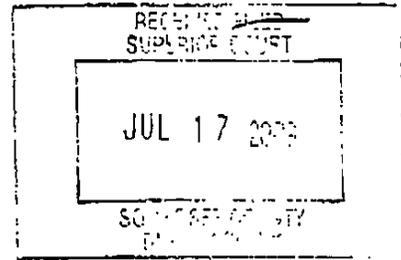
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8. As of the date of this pleading, the total amount necessary to pay off this loan is \$337,782.96. Because of interest, late charges, and other charges that may vary from day to day, the amount due on the day of payment may be greater. Hence, if the amount shown above is paid, an adjustment may be necessary after plaintiff's counsel receives the check, in which event the borrower will be informed before depositing the check for collection. For further information, please write the undersigned, or call our office by telephone.

**John J.LoCasto  
Wendy LoCasto  
13 Jennings Ct.  
Hillsborough N.J 08844**



Re: Superior Court of New Jersey  
Chancery Division  
Somerset County  
Docket No:F-22698-09  
Homecomings Financial Loan # 7436659312

RECEIVED/1111  
SUPERIOR COURT  
CHANCERY DIVISION  
2009 JUL 17 AM 8:41  
DEPT. CLERK  
CIVIL DIVISION

To Whom It May Concern:

First Count

1. Admitted
2. Admitted
3. Admitted
4. Admitted
5. Admitted
6. Admitted
7. Admitted in part and denied in part. Defendant states that they have been working toward a Loan Modification with the lender. The lender is aware of this fact.
8. Admitted
9. Denied, defendant states that they never received any notice of foreclosure from the Plaintiff

Second Count

1. Denied, Defendant is working in good faith with Plaintiff for loan modification
2. Denied, Defendant is working in good faith with Plaintiff for loan modification
3. Admitted
4. Denied

*John J. LoCasto*  
John J LoCasto

*Wendy LoCasto*  
Wendy LoCasto

*Sworn to before me this  
10th July, 2009*

*Sworn to before me this  
10th July, 2009*

GREGORY P. MATARRAZO  
Notary Public, State of New York  
No. 24 - 4520522  
Qualified in Kings County

GREGORY P. MATARRAZO  
Notary Public, State of New York  
No. 24 - 4520522  
Qualified in Kings County  
Commission Expires Jan. 23, 2010

Central Fee Office  
Payment Receipt

Name: John J. LaCasto

Case ID#: F-22698-09

Cash *Bk of NY & Co. 135.00*

18000 090225

10/04/2009 07:30

9082816041

LOCASTO

PAGE 01

**PHELAN HALLINAN & SCHMIEG, PC**

Suite 100  
 400 Fellowship Road  
 Mt. Laurel, NJ 08054  
 856-813-5500  
 Fax: 856-813-5501

Rosemarie Diamond, Esquire  
 Managing Partner for New Jersey

Representing Lenders in  
 Pennsylvania and New Jersey

Date: 11/10/09

JOHN J. LOCASTO, JR. and WENDY LOCASTO  
 13 JENNINGS COURT  
 HILLSBOROUGH TOWNSHIP, NJ 08844

**RE: NOTICE PURSUANT TO SECTION 6 OF THE FAIR FORECLOSURE ACT**

The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. sbm Bank One National Association as Trustee for RFMSI 2003S18 & s.  
 JOHN J. LOCASTO, JR., et al.  
 Docket No. F-22698-09  
 Mortgage Premises: 13 JENNINGS COURT, HILLSBOROUGH TOWNSHIP, NEW JERSEY 08844  
 Our File No. GMAC-4011

You are hereby notified that The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. sbm Bank One National Association as Trustee for RFMSI 2003S18, the Plaintiff in the above captioned matter, is now ready to submit its proof to the Superior Court Foreclosure Unit for entry of a Final Judgment of Foreclosure, relating to the within matter.

You have ten (10) days after receipt of this Notice to notify this office of any reasonable likelihood that you will be able to provide payment necessary to cure the default within forty-five (45) days of the date of this Notice. The Notice must be sent by registered or certified mail, return receipt requested, to the following address:

**PHELAN HALLINAN & SCHMIEG**  
**(PHONE) 856-813-5500 (FAX) 856-813-5501**  
**ATTN: REINSTATEMENT AND PAYOFF DEPARTMENT**  
**400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054**

Any requests regarding the amount necessary to cure the default can be directed to the above address and/or telephone number. In the event that you fail to notify this office within ten (10) days and tender sufficient sums to reinstate the mortgage within forty-five (45) days hereof, please note that a Final Judgment will be entered and the mortgaged premises ultimately will be listed for Sheriff's Sale and you will lose your right to cure the default.

The name and address of the lender are:

The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. sbm Bank One National Association as Trustee for RFMSI 2003S18  
 C/o GMAC MORTGAGE CORPORATION  
 1100 VIRGINIA DR.  
 P.O. BOX 8300  
 FORT WASHINGTON, PA 19034

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Very truly yours,

PHELAN HALLINAN & SCHMIEG  
 Rosemarie Diamond

Rosemarie Diamond  
 via Certified Mail, return receipt requested and regular mail

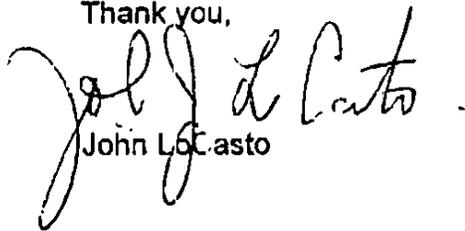
Phelan Hallinan & Schmieg, PC  
400 Fellowship Road Suite 100  
Mt. Laurel, NJ 08054

RE: John & Wendy LoCasto  
13 Jennings Court  
Hillsborough, NJ 08844  
Docket No. F-22698-09

To whom it may concern:

I am in receipt of your letter dated 11/10/09 and I intend to keep my home. Please find the enclosed documents that were submitted to your client for a modification. I sent these documents back in July and am awaiting an answer. Should your client modify my loan, I will cure the default in the time table they specify.

Thank you,

  
John LoCasto