

FEB 19 2013

SUPERIOR COURT
CLERK'S OFFICE

February 10, 2013

Docket Number: F-0235354-12 (GMAC-Loan# 0601993803)

Objection of Notice of Intention to Foreclosure

Property Address: 1915 Chapel Ave West Cherry Hill NJ 08002(One Family-Camden County) Valeria and Parmod Sharma

Dear Sir,

I am writing to you to object of your Notice of intention to Foreclosure.

The property mentioned above is my primary home. I am currently employed by The US Marshals Services in New York City as a Budget Analyst. I commute every day. We are a family of four have two daughters both in college.

My husband and I have made everything possible to keep our house. We have been negotiating with GMAC since November 25, 2009. We started having financial difficulties in August of 2009. My husband full time job hours were reduced to par time, at the time he was the manager of Luke Oil Gas Station, located near the Cherry Mall. Business dropped. November 9, 2009 I hired the law firm Attorney's at Law Daniel J. Gallagher to help us with the process of a loan modification located at the following address: 19 South Essex Ave. Margate, NJ 08402. It was our first time in this situation; we wanted to get legal advice. I paid them \$2500.00. On March 8, 2010 the modification was approved. I was put on a work out plan for three months. As per their instructions, I mailed a cashier's check of \$2429.82 a long with their paystub addressed to GMAC Mortgage, LLC Attn: HAMP Processing PO Box 9001719 Louisville, KY 402990-1719. I mailed the Check on April 2, 2010. It stated "Workout Plan payments should be made on or within 5 days following the due date." The check got lost according to GMAC. It was not received. I went through enormous phone calls and faxes to prove the check was mailed, and finally I have to put a stop payment on April 30, 2010 paid the bank \$48.59. On April 14, 2010 received a letter from the mortgage company the modification was cancelled for non payment. While I was in the process of the loan modifications, I was receiving letters of foreclosure from the court and GMAC. Finally on May 11, 2010 received a Notice of Entry of Final Judgment.

On May 30, 2010 I talked to a financial counselor Miss Sheila Mitchell phone number 800 251-2227 for Housing HOPE Now, CredAbility Nonprofit credit Counseling & Education to take the necessary steps to avoid foreclosure. My client number 2181383 and her phone number 800 251-2227.

On June 1, 2010 I object to the Notice of Motion for Entry of Final Judgment. Docket number F-8169-10. I sent a letter to Mr. Nelson Diaz Superior Court of New Jersey Chancery Division Camden County Foreclosure: P.O. Box 971, 25 Market Street, Trenton, NJ 08625 never heard from the court.

We hired attorney, Robert Braverman, LLC to help us file for Bankruptcy. He advised we should file for Chapter 13 in order to keep the house. On September 21, 2010 we filed with the court for. The case was confirmed on November 17, 2010. It was the only solution to keep our house.

I filed for another Loan Modification on March November 15. 2010 with the approval of our Bankruptcy Attorney, Robert Braverman, LLC mailed the letter to our lender allowing us to file for a second modification. On February 15, 2011 received a correspondence from GMAC requesting a copy of my most recent paystub and current bank statements was needed. I sent the request. March 14, 2011 I received a final notice stating my loan "on behalf of an investor or group of investors has not given them authority to modify my loan under the program requested."

On April of 2012 we went through another hardship, Luke Oil Gas Station went out of business. My husband was layoff on May 31, 2012. We were struggling keeping up with the monthly mortgage and the Trustee payments, as it was stated on the Chapter 13 and the agreement with the court. I called the Bankruptcy Departments at GMAC and explained my situation; my husband was out of work, and we were not able to submit payments on time. They told me they couldn't advise of what I needed to do. I called my bankruptcy attorney, and said I will have six months to bring my payments current. I tried, but it was impossible to keep with all the expenses. On October 26, 2012 Chapter 13 was dismissed.

On August 8, 2012 requested the Independent Foreclosure Review to be evaluated, errors were made during the foreclosure process in May of 2010.

I received two letters in the mail one dated August 8, 2010 they received my request, and the second one dated November 30, 2012 the Independent Consultants were still reviewing my case. As of today I haven't heard anything yet.

It has not been our intention not to pay GMAC. Unforeseen life circumstances have made us delinquent in our mortgage payments. Our commitment is to try to keep our home and workout a solution with our lender that will work for both of us through a modification to the terms of our loan to them. We have exhausted all of our savings, and I have taken money out of my retirement plan to be able to keep with all the expenses.

We can't put the house for sale. As per Professional Property Appraisers Inc, address P.O. Box 905 Delran, NJ 08075 the assessed value of the house is \$190,700.00 and the property taxes are \$7,084.51. The house is below the market value. If we try to sell it; we are not going to make any profit. We will owe money to GMAC.

For the third time on September 27th hired attorney Miss Lisa Randall from the National Legal Associates Firm to help us with the Loan Modification process. I received an email about this law firm stating "they help home owners who are in financial hardship, and can't afford to make mortgage payments on time". I called them and signed a contract paid \$4740.00. I needed legal advice and guidance to file for a loan modification. It will be the smart way, since I was already denied twice having a lawyer representing us through the process. They put us on a payment plan for three months, and I believed they were working with my lender since September 27th, 2012 and later find out that was not the case. GMAC mailed a letter dated October 13, 2012 advising all my correspondence will be sent to The National Legal Associates Firm that was the last thing I ever heard. I called Miss Randall on January 15 to advise her I received 8 letters from my lender stating we were the defendants in a pending foreclosure. I faxed the documents to her. On January 18, 2013 was informed by GMAC that my complete financial package for the loan modification was just received on that date. Just two weeks ago, Miss Tina from the law firm called home and left a message on my answering machine to inform Miss Lisa Randall was on medical leave, and my file was transferred to her. I called her so many times and sent emails to her and her team to find out what the status of the Loan Modification. Since I didn't hear from them, I called GMAC and was told once again the modification was denied because we are more than 12

months over due. I am facing foreclosure once again. I have lost so much money trying to save my house. The National Legal associates is a scam and took advantages of us after we paid they didn't do anything.

On January 19, 2013 after receiving in the mail eight letters. I called the Homeowner's Hope Hotline at 1-888-995-Hope (4673) for counseling. On January 21, 2013 I had the session with Money management International to get help to take the necessary steps to prevent foreclosure. My client number 31641427-1.

I had done everything possible that is on my hand. I am asking GMAC Mortgage to analyze my entire file base on the original amount owe and to lower my payments. You are also putting me into an additional hardship by asking me to pay additional court fees. Since the beginning of my financial situation GMAC has denied me assistance, and putting more stress by sending a Notice of Intention to Foreclose. What happen with the OBAMA laws, Making Home Affordable for home owners in financial distress or unemployed like us, where do we fit in?

I am running out of sources. It has been very upsetting and difficult to deal with our situation, I am pleading to understand what we are going through at the present time, and it is not something we chose to do intentionally. I am the breadwinner in the household, and our main goal is to try to keep our home and workout a solution with GMAC that will work for both of us through a Loan Modification. I am not asking to forgive what we owe, just to consider us to come to an agreement where we honor the loan and be flexible enough to make this a win-win situation.

Thank you, for taking the time to read my letter and reconsider your position in helping help us through the Making Home Affordable Process and stop the foreclosure proceedings.

Respectfully,

Valeria A. Sharma

Valeria A. Sharma

856 662-8575

Parmod Sharma

Parmod Sharma
856 662-8575

GMAC
Mortgage

3451 Hammond Avenue
PO Box 780
Waterloo IA 50704-0780

1/19/2013

VALERIA SHARMA
1915 CHAPEL AVENUE
CHERRY HILL NJ 08002

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 VALERIA SHARMA:

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 Promise Roland with GMACM at 319-874-2483 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 Promise Roland with GMACM at 319-874-2483. 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.

GMAC
Mortgage

3451 Hammond Avenue
PO Box 780
Waterloo IA 50704-0780

1/19/2013

VALERIA SHARMA
1915 CHAPEL AVENUE
CHERRY HILL NJ 08002

Notice of Intention to Foreclose

RE: Account Number 601993803
Property Address 1915 CHAPEL AVENUE
CHERRY HILL NJ 08002

Dear VALERIA SHARMA

This notice is regarding the mortgage loan held by GMAC Mortgage, LLC, whose address is 3451 Hammond Ave, Waterloo, IA 50702. The mortgage loan is secured by the below property.

1915 CHAPEL AVENUE
CHERRY HILL NJ 08002

The original amount of the mortgage loan is \$ 293,335.00

GMAC Mortgage, LLC is the servicer of this mortgage.

Your mortgage payments are past due for 3/1/2011 through 1/1/2013 payments, which puts you in default of your loan agreement. As of 1/19/2013, you owe the following:

Payments	\$59,661.60
Accrued late charges	\$ 2,578.09
Property Preservation.....	\$ 78.75
Suspense	\$.00
Total Due	\$62,318.44

(continued on next page)

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Account Number 601993803
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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 \$65,029.03, 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 2/23/2013, GMAC Mortgage, LLC 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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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 Promise Roland at 319-874-2483.

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 (<i>main office/financial ed center</i>) 744 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 (<i>Central Jersey</i>) 85 Raritan Ave., Suite 100 Highland Park, NJ 08904 732-246-4772	NJ Citizen Action (<i>South Jersey</i>) 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 Cohansey 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 609-261-4863
Email: heba@burleobar.org
Internet: www.burleobar.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-
Hartnett

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 Ferrari-
Brooks

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
856-848-4589
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.hcbalaw.com
Exec. Dir.: Lisa Burke

Hunterdon County Bar Association
PO Box 573
Annandale, NJ 08801
908-236-6109
E-mail:
director@huntcolaw.org
Internet: www.huntcolaw.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@mercerbar.com
Internet: www.mercerbar.com
Exec. Dir.: Christine S. Brennan

Middlesex County Bar Association
87 Bayard Street
New Brunswick, NJ 08901
732-828-0053 ext. 100
E-mail: admin@mcbalaw.com
Internet: www.mcbalaw.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. Scitapano

Morris County Bar Association
28 Schuyler Place
Morristown, NJ 07960
973-267-5882
Email:
yperez@morriscountybar.com
Internet:
www.morriscountybar.com
Exec. Dir.: Nancy M. Bangioia

Ocean County Bar Association
PO Box 381
Toms River, NJ 08754
732-240-3666
Email:
karin@oceancountybar.org
Internet:
www.oceancountybar.org

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

Salem County Bar Association
856-935-5629
Internet:
www.salemcountybar.org

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

Internet:
www.somersetbar.com
Exec. Dir.: Carol Ann Winder

Union County Bar Association
2 Broad Street 1st Floor
Elizabeth, NJ 07207
908-353-4715
Internet: 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

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>

Mercer County Courthouse, 175 South Broad Street, Trenton, New Jersey at 10:00 o'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.

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Attorneys for GMAC Mortgage, LLC

)	SUPERIOR COURT OF NEW JERSEY
)	CHANCERY DIVISION
IN RE APPLICATION BY GMAC MORTGAGE, LLC TO ISSUE)	MERCER COUNTY
CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF)	DOCKET NO.: F-025354-12
IDENTIFIED FORECLOSURE PLAINTIFFS)	<u>CIVIL ACTION</u>
)	
)	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 4th 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.¹
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

¹ 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 4th 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 4th 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 4th 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.² 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 4th 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 4th 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;

² 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(e).

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(e).

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(e).

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(e).

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.

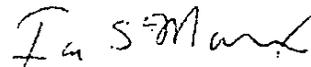
51. Attached as Exhibit A-19 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by GMACM for Wilmington Trust Company and in which GMACM requests the ability to mail the borrower an NOI which complies with the requirements of N.J.S.A. 2A:50-56(c).

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 4th 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 TRAURIG LLP

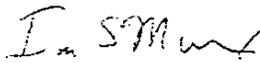


Ian S. Marx, Esq.

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, Esq.

Dated: October 25, 2012

