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* **ADMITTED NY/NJ**

February 26, 2013

VIA JEFIS
Foreclosure Process Service
Superior Court Clerk's Office
25 West Market Street, 6th Floor, Northwing
Trenton, New Jersey 08611

Re: Order to Show Cause – In the Application by GMAC Mortgage LLC
Docket No. F-025354-12

Dear Sir/Madam:

This firm is counsel to Defendant Rimantas Urbonavicuis and Esmeralda Urbonavicuis ("Defendants") in the above captioned matter. Enclosed please find for filing the following:

1. Foreclosure Case Information Statement
2. Notice of Appearance
3. Objection to GMAC's Order To Show Cause
4. Certification of Filing and Service

You are hereby authorized to charge our Collateral Account **142463** the filing fee.

Should you have any questions, please do not hesitate to contact our office. Thank you.

Very truly yours,
JOSEPH A. CHANG & ASSOCIATES, LLC
/s/ Joseph M. Bimonte
Joseph M. Bimonte

MAC/em
Enclosure
cc: Ian S. Marx, Esq. (Via Facsimile and Regular Mail, with enclosures)

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Rimantas Urbonavicuis and Esmeralda Urbonavicuis

IN RE APPLICATION BY GMAC MORTGAGE, LLC TO ISSUE CORRECTED NOTICE OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY Docket No.: F-025354-12 Civil Action **CERTIFICATION OF FILING AND SERVICE**

Elizabeth Marriott, being of full age, hereby certified as follows:

I am a paralegal at the law firm of Joseph A. Chang & Associates, LLC, counsel to defendants *Rimantas Urbonavicuis and Esmeralda Urbonavicuis* ("Defendants").

1. On February 26, 2013, I caused to E-File via JEFIS, Notice of Appearance, FCIS, Objection to GMAC Order to Show Cause with Superior Court of New Jersey, Chancery Division, Hughes Justice, Office of Foreclosure, 25 West Market Street, Trenton, New Jersey 08625.

2. On February 26, 2013, I have also caused to be serve a true and correct copy this document by sending same via Facsimile and First Class Mail to counsel of record at the following addresses:

Ian S. Marx, Esq.
Greenberg Traurig, LLP
200 Park Avenue

P.O. Box 677
Florham Park, New Jersey 07932

I certify under penalty of perjury that the foregoing is true and correct.

Dated: February 26, 2013

/s/ Elizabeth Marriott
Elizabeth Marriott, Paralegal

FILED Feb 26, 2013

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Rimantas Urbonavicuis and Esmeralda Urbonavicuis

IN RE APPLICATION BY GMAC MORTGAGE, LLC TO ISSUE CORRECTED NOTICE OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY Docket No.: F-025354-12 Civil Action **OBJECTION TO ORDER TO SHOW CAUSE**

Rimantas and Esmeralda Urbonavicuis, recipients of applicant's Order to Show Cause and defendants in Docket No. F-8968-09, object to GMAC Mortgage LLC's order to show cause for the following reasons:

Objection: Rimantas Urbonavicuis and Esmeralda Urbonaviciene are not properly within the class of homeowners identified by the Order to Show Cause.

The order to show cause was authorized specifically for uncontested foreclosure cases. Rimantas Urbonavicuis and Esmeralda Urbonaviciene are in the process of filing a Motion to Vacate Default as soon as February 26, 2013 in Docket No. F-8968-09 wherein the issue will be actively litigated. A request to reform the Notice of Intent to Foreclose, as is at issue in the pending order to show cause, would be more properly heard by the trial judge in Mercer County Superior Court, Chancery Division, where this matter is proceeding. As such, Rimantas Urbonavicuis and Esmeralda Urbonavicuis object to being subject to the order to show cause and the permission to file a corrective Notice of Intent to Foreclose. They ask that this Court deny the order to show cause as it directly effects the defendants of Docket No. F-8968-09. This request is brought before the wrong court and must be withdrawn and filed through the contested foreclosure action.

Objection: Notice of Intent deficiency issues have been raised in applications filed under the foreclosure dockets.

Counsel has filed objections to the sufficiency of the Notices of Intent filed with this and other counties in pending actions. Counsel has properly brought the issue before the Chancery Court and has been litigating in search of a remedy appropriate to the circumstances of the case. To permit GMAC Mortgage LLC to correct the Notices of Intent at this point would be fundamentally unfair to the homeowners that have raised the issue, and are either awaiting argument, awaiting an order, or awaiting a final judgment before raising the issue on appeal. Permitting the proposed corrections at this juncture strips the homeowners of the rights they have asserted in presenting the issue as an affirmative defense.

Objection: GMAC Mortgage LLC did not properly serve the identified homeowners.

The Order to Show Cause requires that the packages be sent certified and regular mail to all homeowners identified in the exhibit. The only exception pertained to married borrowers. To the best of their knowledge the certified mail copy of the package was not received by the homeowners, and it is believed that GMAC Mortgage LLC only sent the packages via regular mail.

Objection: The language of the proposed Notice of Intent to Foreclose is misleading.

All of the mortgagors identified in the Order to Show Cause are defendants in active foreclosure litigation with the debt accelerated as due in full. However, the proposed corrective Notice of Intent to Foreclose indicates that the mortgagor is in a pre-foreclosure status, that the debt may be accelerated, and that the servicer will start a mortgage foreclosure action upon failure to forward the amount indicated. It later says "if a foreclosure is initiated…," which again indicates that such an action has not already been commenced.

These notices are not tailored to the situation at hand and are written in a manner that is confusing to the mortgagor. The majority of persons affected by the Order to Show Cause have not retained counsel and will be misled by the language contained therein. It appears that the moving party is merely attempting to use judicial resources to approve a proposed form for future notices without regard for the deficiencies they are currently encountering. This form does not clearly indicate the nature and status of the debt and litigation as to the parties it is meant to effect. This is merely an attempt to sweep past mistakes under the rug without actually addressing the gravity of the situations that have arisen due to those mistakes.

There are many reasons the homeowners may not be participating in the case, including improper service of process. To permit the language of the NOI as it is presented, without reference to the pending foreclosure action, is unjust and misleading. It is an often quoted maxim in chancery that he who seeks equity must do equity. Here, GMAC Mortgage LLC is seeking an equitable remedy permitting them to correct their own errors in violating the specific language of the Fair Foreclosure Act, which indicates that the complying Notice of Intent *shall* be sent prior to the filing of a foreclosure complaint. However, GMAC Mortgage LLC is now

seeking equitable relief in the form of judicial permission to correct their many statutory violations on a broad basis after the filing of a foreclosure action. If this action is permitted, the equities will not be balanced. The homeowners will be harmed by this action unless the Order to Show Cause is denied or reformed to undo the entry of default and permit responsive pleadings as to all affected homeowners.

Objection: GMAC Mortgage LLC is improperly using judicial resources to address an issue more properly determined by the legislature.

GMAC Mortgage LLC is attempting to create a safe harbor form with judicial approval. The judiciary, however, should not be asked en masse to approve a business form for a private corporation in an effort to circumvent the normal judicial process. GMAC Mortgage LLC has brought one action regarding hundreds of borrowers requiring significant time and resources of the judiciary to save their own resources by not bringing each action in the individual matter it affects. This does not constitute judicial efficiency, so much as corporate savings for the movant. If the legislature intended that there be one specific form that addressed all of the issues required by a Notice of Intent to Foreclose, they would have added such a form to the statute. Their declining to do so is not to be seen as an oversight, but as an indication of their intent. GMAC Mortgage did not treat this application seriously enough to be entitled to the relief sought.

For the reasons stated above and for those reasons that may be raised in the additional objections, it is respectfully requested that GMAC Mortgage LLC's Order to Show Cause be denied in its entirety and/or denied as to the specifically identified homeowner at issue in this objection. It is also respectfully requested that counsel fees be awarded in favor of the identified homeowners for bringing this action against parties not appropriately within the defined class.

JOSEPH A. CHANG & ASSOCIATES, LLC

DATED: February 26, 2013

Joseph A. Chang
Joseph A. Chang, Esq.

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Rimantas Urbonavicuis and Esmeralda Urbonavicuis

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Please enter the appearance of Joseph A. Chang, Esq. and Joseph A. Chang & Associates, LLC as attorney defendants Rimantas Urbonavicuis and Esmeralda Urbonavicuis ("Defendants") in the above referenced matter.

JOSEPH A. CHANG & ASSOCIATES, LLC
Attorney for Defendants Rimantas Urbonavicuis
and Esmeralda Urbonavicuis

DATED: February 26, 2013

Joseph A. Chang
Joseph A. Chang, Esq.