

RECEIVED

FEB 26 2013

Kelly Vigilante
21 Hemlock Road
Howell, New Jersey 07731

SUPERIOR COURT
CLERK'S OFFICE

In Re Application By GMAC
Mortgage LLC to Issue
Corrected Notices of Intent
To Foreclose

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY

Docket No. F-025354-12

Civil Action

Opposition to Plaintiff's
Application

Defendant, Kelly Vigilante, allegedly a defendant subject to plaintiff's Application to the Court, having only the limited information provided by the plaintiff, hereby objects to the plaintiff's application to Correct Notice of Intent to Foreclose

1. I am a mortgagor and have a mortgage loan possibly with the plaintiff. I have received so many notices from so many lenders including a very recent "Notice of Transfer of Servicing" that I am not sure who my lender is.
2. My understanding is that the plaintiff is forced to file this Application to the Court because they had previously violated the Federal Law by not giving required Notice of Intent to Foreclose in a form required by Law.
3. Apparently a compromise decision was reached in this case in April 2012 and the plaintiff with its infinite resources was permitted to reissue the Notice of Intent to Foreclose in a proper form after the filing of a foreclosure complaint.
4. I received the plaintiff's package dated January 18, 2013, postmarked January 22, 2013, which included the revised Notice of Intent to Foreclose allegedly in proper form.

5. The Notice supplied to me says my lender is The Bank of New York Mellon Trust Company, National Association FKA The Bank of New York Trust Company, N.A. successor to JP Morgan Chase Bank N.A. as Trustee for RASC 2004-KS11, with a Pittsburgh, PA address. No phone number or contact person at the bank is provided. Only the mortgage servicer.

6. The Notice of Intent further provides that I can reinstate my loan by making a six figure payment 30 days from the date my package was postmarked. I have attempted unsuccessfully to look up on line at the address provided to find any actual docket number or case pending against me. I recognize that the plaintiff may have thousands of cases which they violated the requirements of law which has necessitated this Motion and that is their fault: that should not allow them to take a shot gun approach to all defendants and make me search on line or make calls to them as "the debt collector" to obtain specific information about my case in order to form a response to their Application to the Court.

7. I am not sure if a foreclosure is pending against me at this time. Assuming that there is, it is my understanding that New Jersey case law does not allow for late charges to be accrued after the filing of a foreclosure complaint. The lender is seeking \$3,005.00 in late charges in their Notice of Intent to foreclose when they have a pending foreclosure against me which in theory they had no right to file prior to properly giving me the right to reinstate my loan. Apparently the prior decision upon which this application is based has allowed the lender to not only begin a foreclosure against me without proper notice but while the improper foreclosure is pending they now seek to also recover late charges. For the reasons set forth above I respectfully request that the Court not approve plaintiff's

application.



A handwritten signature in cursive script, reading "Kelly Vigilante", is written above a horizontal line. The signature is fluid and includes a long, sweeping flourish that extends to the right and then curves back down.

KELLY VIGILANTE

RECEIVED

FEB 26 2013

SUPERIOR COURT
CLERK'S OFFICE

Kelly Vigilante
21 Hemlock Road
Howell, New Jersey 07731

February 26, 2013

Superior Court of New Jersey, Foreclosure Processing
Attn: Objection to Notice of Intent to Foreclose
PO Box 971
Trenton, NJ 08625

D. Brian O'Dell
Bradly Arant Boulton Cummings LLP
1819 Fifth Ave.
Birmingham, Al. 35203

The Hon. Paul Innes, P.J. Ch
Superior Court of New Jersey
Mercer County Court House First Floor
175 South Broad Street
Trenton, New Jersey 08650

Re: Application of GMAC Mortgage Docket No. F-025354-12

Dear Sirs:

Please find my objection to the above application

Very truly yours,


KELLY VIGILANTE