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FEB 28 2013

SUPERIOR COURT  
CLERK'S OFFICE

2/23/13

Superior Court Clerk's Office, Foreclosure Processing Services

Attention: Objection to Notice of Intention to Foreclose

P.O. Box 971

Trenton, New Jersey 08625

To Whom Ever It May Concern:

RE: Objection to Order to Show Cause/Corrected Notice of Intention to Foreclose

Docket# F- 025354-12

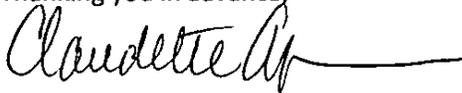
I am writing this letter to object to the Order to Show Cause/Notice of Intention to Foreclosure submitted by my mortgage company, **GMAC** for the following reasons:

- I have been trying to renegotiate my loan since 2010 when I experienced a layoff from my job and was unemployed for two years. My income went from \$88,000 a year to \$2200.00 a month on unemployment to under employment of \$34,000 a year (from 2010-2012). At which time I was denied HAMP due to insufficient income on 9/27/10.
- I secured a housing counselor from Citizen's Action Corporation in Newark to support me through the State's Foreclosure Mediation Program.
- I continued to reapply as I sought part-time jobs to supplement my income. On 2/21/12, I was denied the HAMP program because GMAC could not reduce my interest rate, extend loan terms or defer principal enough to reach an affordable payment under HAMP.
- I went to NJ Foreclosure Mediation Court three times over the (2011 – 2012) year and negotiations continued with GMAC.
- After applying again for HAMP, on February 27, 2012 I received a letter stating I did not qualify for HAMP because I did not meet the qualification; however, I may be able to be eligible for another program called the "Work Out Plan" by submitting documentation and a trial plan payments of \$1387.71 for three months from April to June 2012. Upon completion of my final payment they would contact me with additional steps.
- On June 5, 2012 I received a letter stating I have successfully completed my trial "Work Out Plan" and they were in the process of reviewing my records to move forward with a permanent loan modification.
- Concurrently, GMAC assigned me a relationship manager to support me through the Loan Modification Process, Allison Hesper who was later changed to Robert Herrage on May 7, 2012. I stayed in communication with this office from May 7, 2012 through November 2012 for updates on my loan modification application.
- Though I continued to contact GMAC/the relationship manager, the loan modification process had not been finalized. We continued to communicate from July to November 2012.

- In November 2012, I contacted Robert Herrage's office and inquired to why the monthly mortgage amount was escalating and was told the amount would continue to rise because GMAC was paying my escrow and house insurance and that those fees would continue to be added to my monthly payment, while some fees would be added on the back end.
- My loan modification finally came through on November 16, 2012 when I received an approval letter. I had to forward a voluntary contribution form with a certified check of \$1599.32 and a notarized form of the loan modification agreement. Additionally I had to submit a form authorizing GMAC to withdraw funds from my account on the fifth of the month. I submitted all requests and was preparing to finalize my loan modification.
- On December 3, I received a Mortgage Account Statement dated August 1, 2012 listing the mortgage loan to be \$234,940.43 and a monthly mortgage for 8/1/12 listed for \$1617.58 which was not in line with previous communications. I continued to receive statements over the next two weeks.
- Received a letter from Independent Foreclosure Review on January 2, 2013
- On 2/5/13 received a letter from RESCAP/GMAC announcing under chapter 11.
- On January 4, 2013 I received a letter stating they were cancelling my electronic payment deduction from my financial institution.
- On January 14, 2013, I received a letter by certified mail of GMAC's intention to foreclose and for me to cure default by 2/18/2013 or the agency would *accelerate* the mortgage payments. Additionally, the letter stated that the Notice of Intention to Foreclose served on me prior to commencement of the foreclosure action did not comply with the requirements of the Fair Foreclose Act (Court Order Dated December 13, 2012). All paperwork forwarded by GMAC was completed prior to my loan modification approval and I never received the foreclosure documents dated December 13, 2013 on that date.
- Received a letter from GreenTree Servicing informing me GMAC is subject of a bankruptcy proceeding and my loan was being transferred to Green Tree along with a RESPA notice.

Communication with GMAC has been challenging and perplexing. After submitting what I thought was the loan modification I was under the assumption that everything was going as planned and I had a loan modification and within two weeks of notification of my modification I went into foreclosure. Because of the spiraling events I am requesting a hearing for resolution.

Thanking you in advance,



Claudette Ayers

17 Bennington Drive

East Windsor, New Jersey 08520

Claudette Ayers

(Your Name(s))

17 Bennington Drive, East Windsor NJ 08820

(Your Mailing Address)

Superior Court of New Jersey  
Chancery Division  
General Equity

(Your Daytime Telephone Number)

GMAC

(Name of company or bank that filed the foreclosure complaint)

Plaintiff(s),

Mercer

County

County where the property is located or "Mercer" for an objection to the Order to Show Cause

Docket No F- 025354-12

Vs.

Claudette Ayers

(Name of first defendant listed on the complaint)

Defendant(s),

CIVIL ACTION

OBJECTION TO: (select one)

- Order to Show Cause
- Corrected Notice of Intention to Foreclose

I/We Claudette Ayers

(filing party or parties)

, the defendant(s) in the foreclosure matter

hereby object

(caption and docket number if different from above)

to the Plaintiff's filing of the (select one)

- Order to Show Cause
  - Corrected Notice of Intention to Foreclose
- for the following specific reasons:  
(Describe specific objections in numbered paragraphs Please attach additional pages if necessary )

SEE LETTER

I hereby certify that the foregoing statements made by me are true I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

2.23.13  
Date

Claudette Ayers  
Signature

Claudette Ayers  
Print or Type Name

### Certification of Service

I hereby certify that on \_\_\_\_\_ I sent my objection to the following parties by. (Select which mailing method you chose. If you sent it by both regular and certified mail, check both

regular mail

certified mail

other \_\_\_\_\_

List each party to the lawsuit, send your opposition to the attorney if the party is represented by counsel; if the party is pro se you may send the papers directly to that individual

Name Brian O'Dell  
Address Bradley Arant Boult  
Commins LLP  
1819 Fifth Avenue No  
Birmingham, AL 35203

Name \_\_\_\_\_

Address \_\_\_\_\_

Attorney for GMAC

Attorney for \_\_\_\_\_

2.25.13  
Date

Claudette Ayers  
Signature  
Claudette Ayers  
Print or Type Name