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IN RE APPLICATION OF

STATEBRIDGE COMPANY, LLC ON BEHALF OF THE  
BANK OF NEW YORK MELLON TRUST COMPANY,  
NATIONAL ASSOCIATION AS GRANTOR TRUSTEE OF  
THE PROTIUM MASTER GRANTOR TRUST  
TO ISSUE CORRECTED NOTICES OF INTENT TO  
FORECLOSE ON BEHALF OF IDENTIFIED  
FORECLOSURE PLAINTIFFS IN UNCONTESTED  
CASES

**IN THE SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
PASSAIC COUNTY**

**CIVIL ACTION**

Case Number: F- 29140-12

**ORDER TO SHOW CAUSE**

As instructed by the Supreme Court in the April 4, 2012, the Superior Court is authorized to decide the appropriate remedy to allow foreclosure plaintiffs to seek summary relief in the form of an Order to Show Cause and Verified Complaint to obtain authorization, after performing any directed remediation, to proceed with certain pending uncontested foreclosure lawsuits prior to entry of judgment ("Covered Foreclosure Lawsuits").

Pursuant to the Supreme Court's direction, this Court may direct foreclosure plaintiffs and/or their servicers (as allowed pursuant to 4:50-56(e)) to issue a Corrected NOI together with an "Explanatory Letter" to each defendant mortgagor and/or parties obligated on the debt ("Foreclosure Defendants") in the Covered Foreclosure Lawsuits.

THIS MATTER being brought before the Court by Stern & Eisenberg, PC, counsel for Statebridge Company, LLC ("Servicer"), authorized to act on behalf of Foreclosure Plaintiff, The Bank of New York Mellon Trust Company, National Association as grantor trustee of the Protium Master Grantor Trust, in Pending foreclosure lawsuits in the State of New Jersey, seeking relief by way of verified complaint and summary action for an Order permitting Servicer

to issue corrected Notices of Intent to Foreclose ("Corrected NOI") in pending, pre-judgment, uncontested foreclosure lawsuits, to address possible deficiencies in , and based upon the New Jersey Supreme Court's February 27, 2012 decision in *U.S. Bank, N.A. v. Guillaume*, 209 NJ 449 (2012) and supplemental/implementing Order dated April 4, 2012, and for good cause shown;

It is on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, ORDERED that the Foreclosure Defendants (the defendants in the uncontested foreclosure lawsuits identified in Exhibit 1 of the Verified Complaint who are mortgagors and/or otherwise obligated to repay the mortgage note) appear before the Superior Court at \_\_\_\_\_ County Courthouse, \_\_\_\_\_ at \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ to object to this Court's Order allowing Servicer to issue Corrected NOIs and then at the expiration of the Corrected NOIs proceed with the uncontested foreclosure lawsuits pursuant to this Order to Show Cause providing why judgment should not be entered as follows:

- i. Declaring that upon compliance with the terms of this Order, Servicer (and foreclosure plaintiffs) may proceed with the Covered Foreclosure Lawsuits.
- ii. Granting such other relief as the Court deems equitable and just.

And it further appearing:

A. The Corrected NOI shall be in the form attached as an Exhibit to the Verified Complaint and will contain all of the information required under the Fair Foreclosure Act, specifically N.J.S.A. 4:50-56(c) and will provide the Foreclosure Defendants with the amounts required to reinstate the loan as of the date of the Corrected NOI, excluding counsel fees and costs incurred in the Covered Foreclosure Lawsuit and provide the Foreclosure Defendants with at least thirty (30) days to cure the default. The Explanatory Letter will be substantially similar to Exhibit A to the Verified Complaint. The Explanatory Letter is to provide the following information:

- i. The reasons for the Corrected NOI
- ii. The procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI (and/or this Order to Show Cause)
- iii. The individuals to contact with any questions; and

iv. The Foreclosure Defendants' right to object to the Corrected NOI and/or their right to cure the default within 30 days of the date of the Corrected NOI.

B. And this Court, pursuant to this Order directs Servicer to provide a corrected NOI and Explanatory Letter in the form attached to the Verified Complaint and as further directed by this Order.

AND IT IS FURTHER ORDERED THAT:

1. Servicer shall cause a copy of this Order, the Verified Complaint (without exhibits), the Explanatory Letter and the Corrected NOI (collectively, the "OSC Package") to be served upon each Foreclosure Defendant who is party to one of the Covered Foreclosure Lawsuits identified in this pending action. The OSC Package shall be served via certified mail return receipt requested and regular mail to the last known address of each Foreclosure Defendant. To the extent Foreclosure Defendants in a single Covered Foreclosure Lawsuit are married (or otherwise parties to a civil union) and have the same last known address, then Servicer need only serve a single OSC Package addressed to both Foreclosure Defendants. In the event the certified mailing is returned refused or unclaimed, but the first class mailing is not returned, then service shall be deemed complete. In the event a Foreclosure Defendant is now deceased, then service shall be made to the estate and/or executor and/or administrator of the estate, if known and available, otherwise the mailing shall be addressed to the last known address of the decedent.
2. In the event any Foreclosure Defendant is in active bankruptcy where the provisions of the automatic stay may be in place, the OSC Package shall not be sent unless and until the stay is no longer applicable. Within forty-five (45) days of the ending of the automatic stay, Servicer shall mail the OSC Package. Foreclosure Defendant(s) shall have 30 days from the date of service to object to the Corrected NOI or to cure your default pursuant to the Corrected NOI. Any objections shall be made in accordance with the terms of this Order with regard to the locations in which to file objections. After the expiration of the thirty (30) days, in the event no objection has been filed, the Court may enter an Order

granting the relief sought. Alternatively, once the bankruptcy stay ends, the Foreclosure Plaintiff may proceed with a motion in the local vicinage to address the specific case.

3. In addition to the notice above, Servicer shall cause a notice of this pending action in four papers of general circulation in the State of New Jersey, being the Star Ledger, Gloucester County Times, Atlantic City Press and Bergen Record on at least two (2) days prior to \_\_\_\_\_. Publication shall constitute notice to all other interested parties.
4. A copy the Servicer's complete application to this Court shall be loaded into the New Jersey Courts website within \_\_\_\_ days of the date of this Order where it will be available for review by the general public at the website – <http://www.judiciary.state.nj.us>. The attachments are to be provided in searchable PDF files.
5. Servicer shall file with the Court its proof of service of the OSC Package on the Foreclosure Defendants no later than nine (9) days before the return date (hearing date). The proof of service may be in a list similar to the identification of the Covered Foreclosure Lawsuits providing the date of service and any comments thereto.
6. Servicer shall provide a proposed form of order (original plus two (2) copies), at least five (5) days before the return date (hearing date) granting the relief sought. ***You (Foreclosure Defendants) have the right to object to the Corrected NOI that you receive. You also have thirty (30) days from service of the OSC Package to cure your default. IN ORDER TO OBJECT TO THIS ORDER TO SHOW CAUSE YOU MUST file an objection setting forth the specific bases of your objection to this Order to Show Cause and/or the Corrected NOI by \_\_\_\_\_,<sup>1</sup> in writing, identifying the docket number of the individual foreclosure case, with the original objection filed with:***

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<sup>1</sup> Objections to specific NOIs may be referred to the Chancery Judge in the vicinage in which the foreclosure case is filed for resolution.

Superior Court Clerk's Office, Foreclosure Processing Services  
P.O. Box 971  
Trenton, New Jersey 08625

You must also send a copy of your objection directly to the Judge assigned to this matter:

The Honorable Margaret Mary McVeigh  
Passaic County Courthouse, Chambers 100  
71 Hamilton Street  
Paterson, New Jersey 07505

and send a copy of your objection to Counsel for Servicer,

Stern & Eisenberg, PC  
attention: Servicer Corrected NOIs.  
1040 N. Kings Highway, Suite 407  
Cherry Hill, New Jersey 08034

A telephone call will NOT protect your rights; you must file a written objection and serve your objection as set forth above if you want the Court to hear your opposition to the relief being sought.

If you are unsure of the docket number of your foreclosure case, you can access the information on the Court's website identified on the documents included with a copy of the Order or by calling a representative of the Servicer identified on the Explanatory Letter sent with the OSC Package.

7. 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. You may also obtain a referral for an attorney by calling one of the Lawyer Referral Services.
8. If timely objection is not filed, the matter may proceed to judgment in accordance with the Rules of Court.
9. Servicer may file and serve any written reply to any objection papers received by \_\_\_\_\_, 2012. Any reply shall be filed with the Clerk of the Superior Court in Trenton with a copy to the Judge handling the matter and to the objecting Defendant.

10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless Court advised to the contrary no later than 3 days before the return date.

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The Honorable Margaret Mary McVeigh, P.J.Ch.