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IN RE APPLICATION OF NATIONSTAR
MORTGAGE LLC TO ISSUE
CORRECTED NOTICES OF INTENTION
ON BEHALF OF IDENTIFIED
FORECLOSURE PLAINTIFFS IN
CERTAIN UNCONTESTED CASES

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
PASSAIC COUNTY

DOCKET NO.: F- 30648-13

CIVIL ACTION

**ORDER TO SHOW CAUSE TO PROCEED SUMMARILY
PURSUANT TO R. 4:67-2**

This matter having been opened to the court by plaintiff Nationstar Mortgage LLC (“Plaintiff”), by Sandelands Eyet LLP, pursuant to the Supreme Court of New Jersey’s Order dated April 4, 2012, upon Plaintiff’s Verified Complaint (“Verified Complaint”) and application for an Order to Show Cause why Plaintiff in the currently pending uncontested residential foreclosure actions filed on or before February 27, 2012 in which final judgment has not yet been entered should not be allowed to serve corrected Notices of Intention to Foreclose on the defendant mortgagors/parties obligated on the debt as set forth on Exhibits C through X of the Verified Complaint (collectively “Defendants”), and the Court having read and considered the Verified Complaint, and Plaintiff’s Letter Brief in support of this application, and the Court having determined that this matter may be commenced by Order to Show Cause as a summary

proceeding in accordance with R. 4:67-2, and good cause having been shown;

IT IS on this 16th day of October 2013,

ORDERED that the parties in interest listed in Exhibits C through X of the Verified Complaint appear and show cause on the 22nd day of January, 2014, ~~2013~~ before the Honorable Margaret Mary McVeigh, P.J.Ch., Superior Court, Passaic County, Chancery Division, located at **71** Hamilton Street, Paterson, NJ, 07505, at 10 **a.m.** o'clock, why judgment should not be entered as follows:

- A. Declaring Plaintiff's form Notice of Intention to Foreclose to be compliant with the requirements of the Fair Foreclosure Act; and
- B. Allowing Plaintiff to send new Notices of Intention to Foreclose, giving the borrower(s) at least **35** ~~thirty~~ days from the date the letter is mailed to cure the default on the mortgage without having to pay legal fees or costs; and
- C. Granting such other and further relief as the court deems equitable and just.

IT IS FURTHER ORDERED:

1. Plaintiff shall serve a copy of this Order to Show Cause and Verified Complaint (without exhibits) upon all individuals obligated on the Note secured by a Mortgage on residential property that is the borrower's, or their immediate family's, principal residence. Service shall be effectuated by certified mail return receipt requested and regular mail to the property address and the last known address (if different) in Plaintiff's records. **Within 45 days of the date of this Order.**
2. A copy of this Order to Show Cause and Verified Complaint shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>. **within 5 days of the date of this Order.**
3. A true copy of this Order to Show Cause and Verified Complaint (without exhibits) shall be served upon the borrowers listed in Exhibits C through X to the Verified

Complaint, by certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any borrower listed in Exhibits C through X to the Verified Complaint who resides outside the United States) and regular mail. All other interested parties shall be served by publication as outlined in this Order.

4. Along with this Order to Show Cause, Plaintiff may serve the corrective Notice of Intention to Foreclose, allowing the borrower(s) at least ~~thirty~~³⁵ days to cure the default on the subject mortgage without having to pay attorney's fees or costs, in the form as set forth in Exhibit A of the Verified Complaint. Plaintiff shall also serve a cover letter in the form set forth in Exhibit B of the Verified Complaint.

- a. For any borrower in an active Bankruptcy case where the provisions of the automatic stay are still in place, Plaintiff may serve a copy of this Order to Show Cause and Verified Complaint but may choose to delay serving a corrective Notice of Intention to Foreclose until such time that the stay is vacated, if it believes that doing so will violate the automatic stay.
- b. If the Court grants final relief on the return date of this Order to Show Cause and plaintiff has not already sent a corrective Notice of Intention to Foreclose, Plaintiff shall serve the corrective Notice of Intention to Foreclose once the provisions of the automatic stay in the bankruptcy case are no longer in place. In the alternative, Plaintiff may apply to the United States Bankruptcy Court for relief from the provisions of the automatic stay to effectuate service of the corrective Notice of Intention to Foreclosure pursuant to this Order.
- c. In the event that Plaintiff does not serve a corrective Notice of Intention to Foreclose with this Order to Show Cause, Plaintiff may not proceed with a foreclosure action

until such Notice of Intention is served as authorized by this Court's Order.

- d. If plaintiff believes that service of this application will be a violation of the provisions of the automatic stay, once the stay is vacated, plaintiff may file a motion with the Chancery Judge in the vicinage where there property lies requesting permission to send a new NOI. Plaintiff shall not be required to file a new Order to Show Cause for cases currently in bankruptcy.

5. Plaintiff shall publish the legal notice of this action as set forth in Exhibit A **December 10, 2013** annexed hereto at least two days prior to _____ in the following newspapers:

- a. Star-Ledger;
- b. Bergen Record;
- c. The Press of Atlantic City; and
- d. The Gloucester County Times.

6. The Court will only entertain objections to the process outlined in the Supreme Court's April 4, 2012 Order. Any party in interest who wishes to object to the process shall file the objection under the docket number for this Order to Show Cause, **in writing**, with the:

Clerk of the Superior Court
Foreclosure Processing Services
Attn: Objection to Notice of Intention to Foreclose
25 West Market Street, 6th Floor North Wing
P.O. Box 971
Trenton, New Jersey 08625-0971

A copy of the objection to the Order to Show Cause must also be sent to:

Honorable Margaret Mary McVeigh, P.J.Ch.
Superior Court of New Jersey
Passaic County Courthouse
71 ~~X~~ Hamilton Street
Paterson, NJ 07505

A copy of the objection to the Order to Show cause must also be served upon the attorney for the Plaintiff at:

William C. Sandelands, Esq.
Sandelands Eyet LLP
1545 U.S. Highway 206, Suite 304
Bedminster, NJ 07921

Objections to this Order to Show Cause must state with specificity the basis for the objection and must be filed no later than **January 6, 2014**.

7. If a timely objection is not filed, this matter may proceed to judgment in accordance with the Rules of Court.

8. Any objection in regard to a specific corrected NOI in a specific foreclosure case must be filed in writing **under the docket number of the individual foreclosure action, NOT this Order to Show Cause.** Any objection must state the basis for the objection with specificity and be filed and served as set forth in Paragraph 6 above. Objections to a specific NOI will be referred to the Chancery Judge in the vicinage in which the property lies for resolution.

9. Parties in interest are hereby advised that a telephone call to Plaintiff, to Plaintiff's attorney, to the Superior Court Clerk's Office, or to the Court, will not protect your rights; you must file and serve your written objection as outlined in this Order.

10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. If you do not have an attorney or are not eligible for free legal assistance through the Legal Services Office (or such office does not provide services for this particular type of proceeding), you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.

11. If no party in interest timely files and serves an objection to this Order to Show Cause as provided for above, the application may be decided by the Court on the date this matter

is scheduled to be heard, provided that Plaintiff has filed a proof of service and a proposed form of judgment as required by this Order to Show Cause.

12. If written objection to this Order to Show Cause is filed, Plaintiff's written reply shall be filed and served by January 16, 2014. A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy directly to the Honorable Margaret Mary McVeigh, P.J.Ch. Plaintiff is only required to serve its response upon any party or parties who have filed written objections to this Order to Show Cause.

13. Plaintiff shall submit to the Court an original and two copies of a proposed form of judgment addressing the relief sought on the date this matter is scheduled to be heard no later than 9 days before the date this matter is scheduled to be heard.

14. Plaintiff shall file proof of service of the Verified Complaint, this Order to Show Cause and all supporting documents with the Clerk of the Superior Court no later than 9 days before the return date of this matter.

15. The court will entertain argument, but not testimony, on the return date of the order to show cause, ~~unless the court is advised to the contrary no later than _____ days before the return date.~~


Hon. Margaret Mary McVeigh, P.J.Ch.