

ZUCKER, GOLDBERG & ACKERMAN, LLC
200 Sheffield Street, Suite 101
P.O. Box 1024
Mountainside, New Jersey 07092-0024
(908) 233-8500
Attorneys for Petitioner, MidFirst Bank

**IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY MIDFIRST
BANK**

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION

Civil Action

Docket No: F-

VERIFIED COMPLAINT

Petitioner, MidFirst Bank, through their attorneys, Zucker, Goldberg & Ackerman, LLC, by way of Verified Complaint, hereby say as follows:

FACTS:

1. MidFirst Bank (hereinafter "MidFirst") is a federally chartered savings association headquartered in Oklahoma City, Oklahoma.

2. MidFirst services residential mortgage loans throughout the country, including loans in the State of New Jersey.¹

3. When a loan is delinquent, foreclosure is always the last resort. Multiple attempts are made to contact the borrower to see if any arrangement short of foreclosure can be reached, including a repayment plan, loan modification, forbearance agreement, deed in lieu of foreclosure or short sale. If the borrower opts not to communicate with MidFirst or does not otherwise resolve the default, MidFirst sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Act, giving the borrower at least thirty days to cure the default and reinstate the loan. If the default is not cured or other arrangements made to resolve the default, after the NOI expires, the loan is referred to local foreclosure counsel to initiate foreclosure.

4. On February 27, 2012, the New Jersey Supreme Court issued its opinion in U.S. Bank National Association v. Guillaume, 209 N.J. 449 (2012), requiring strict compliance with the requirements of the Fair Foreclosure Act, including identification of the name and address of the lender rather than the servicer contact information alone.

¹ Prior to July 2011, servicing was done through Midland Mortgage Co., a wholly owned operating subsidiary of MidFirst.

5. MidFirst has completed a revision to its form NOI to add the name and address of the lender in addition to the servicer. In all cases herein, MidFirst Bank is the lender.

6. Attached as Exhibit "1" to the Amended Certification of Thad Burr is a true and accurate copy of the revised form NOI that MidFirst intends to utilize and should the Court so order, the form that Petitioner would re-send to all borrowers affected by the outcome of this Order to Show Cause.

7. Subsequent to the Guillaume opinion, Chief Justice Stuart Rabner issued an Order on April 4, 2012, in furtherance of the Supreme Court's holding in U.S. Bank National Association v. Guillaume, authorizing the Honorable Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage and the Honorable Paul Innes, P.J.Ch., Mercer Vicinage to entertain summary actions by Order to Show Cause as to why plaintiffs in uncontested pre-judgment residential foreclosure matters should not be allowed to re-serve corrected NOIs.

COUNT I: MidFirst Bank

8. Petitioner hereby incorporates by reference Paragraphs 1 through 7 as if set forth herein.

9. Attached as Exhibit "A" is a list of uncontested residential foreclosure actions where MidFirst Bank is the plaintiff and MidFirst requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, MidFirst Bank respectfully request judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit "1" to the Amended Certification of Thad Burr compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in the form attached as Exhibit "1" to the Amended Certification of Thad Burr, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "A" of this Verified Complaint where MidFirst Bank is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT II: HSBC Bank, USA

11. Petitioner hereby incorporates by reference Paragraphs 1 through 10 as if set forth herein.

12. Attached as Exhibit "B" is a list of uncontested residential foreclosure actions where HSBC Bank, USA is the plaintiff and MidFirst requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, MidFirst Bank respectfully request judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit "1" to the Amended Certification of Thad Burr compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in the form attached as Exhibit "1" to the Amended Certification of Thad Burr, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "B" of this Verified Complaint where HSBC Bank, USA is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

Zucker, Goldberg & Ackerman, LLC
Attorneys for Petitioner, MidFirst
Bank

By:



Brian C. Nicholas, Esq.

DATED: 10/14/13

CERTIFICATION

I certify pursuant to Rule 4:5-1 that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeded contemplated, other than the pending foreclosure actions on Exhibits A, B, C and D to the Amended Verified Complaint, separate actions initiated outside of the uncontested foreclosure proceedings in which Foreclosure Defendants may have raised claims concerning, inter alia, their NOIs but which are not at issue in this application. I further certify that I am unaware of any non-party who should be joined in this action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party based on the same transactional facts.



Brian C. Nicholas, Esq.

Dated: 12/4/13

VERIFICATION

I, Thad Burr, of full age certify as follows:

1. I am a First Vice President of MidFirst Bank.
2. I have read the contents of the Amended Verified Complaint and verify the statements contained therein are true to the best of my knowledge and personal information.
3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Thad Burr

THAD BURR

DATED: 10-4-13

Exhibit “A”

Exhibit A - MidFirst Bank

Docket No:	County:	Plaintiff:	Defendant:
F-14205-09	Essex	MidFirst Bank	Louis, Chadler
F-42838-09	Mercer	MidFirst Bank	Girau/Iris
F-22206-10	Essex	MidFirst Bank	Edmondson, Venisha
F-001493-11	Camden	MidFirst Bank	Walker, Heather
F-32773-09	Union	MidFirst Bank	Mendes, Fabio
F-38388-08	Essex	MidFirst Bank	Satchell, Marcia
F-31610-10	Camden	MidFirst Bank	Seladones, Carol
F-004593-11	Essex	MidFirst Bank	Williams, Barrington
F-003336-12	Burlington	MidFirst Bank	Ryan, Angela
F-001041-11	Union	MidFirst Bank	Thompson, Cleophus
F-009224-11	Camden	MidFirst Bank	Boskey, Ronald
F-36695-09	Camden	MidFirst Bank	Leahey/William

Exhibit “B”

Exhibit B - HSBC Bank, USA

Docket No:	County:	Plaintiff:	Defendant:
F-21680-12	Essex	HSBC Bank USA	Mann

LEONARD B. ZUCKER
MICHAEL S. ACKERMAN
JOEL ACKERMAN*

FRANCES GAMBARDILLA
BRIAN C. NICHOLAS**
SCOTT A. DIETTERICK ‡
KIMBERLY A. BONNER ‡
STEVEN D. KROL
CHRISTOPHER G. FORD
DENISE CARLON ♦
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ZUCKER, GOLDBERG & ACKERMAN, LLC
ATTORNEYS AT LAW

200 SHEFFIELD STREET- SUITE 101
P.O. BOX 1024
MOUNTAINSIDE, NJ 07092-0024

TELEPHONE: 908-233-8500
FACSIMILE: 908-233-1390
E-MAIL: bnicholas@zuckergoldberg.com

For payoff/reinstatement figures
Please send your request to: zuckergoldberg.com/pr

REPLY TO NEW JERSEY ADDRESS

FOUNDED IN 1923
AS ZUCKER & GOLDBERG

MAURICE J. ZUCKER (1918-1979)
LOUIS D. GOLDBERG (1923-1967)
LEONARD H. GOLDBERG (1929-1979)
BENJAMIN WEISS (1949-1981)

Pennsylvania Office:
P.O. Box 650
Hershey, PA 17033

* ALSO MEMBER OF NY, PA AND CA BAR
♦ ALSO MEMBER OF NY, PA AND ME BAR
** ALSO MEMBER OF NY AND ME BAR
‡ ALSO MEMBER OF NY BAR
† ALSO MEMBER OF PA BAR
‡ ALSO MEMBER OF NY AND DC BAR
‡ MEMBER OF PA BAR ONLY

October 4, 2013

(VIA JEFIS and Lawyers Service)
Honorable Margaret McVeigh, P.J.Ch.
Passaic County Superior Court
71 Hamilton Street, Chambers 100
Paterson, N.J. 07505

RE: In re Notices of Intention to Foreclose
Served by MidFirst Bank

Docket No.:

Dear Judge McVeigh,

Our firm represents MidFirst Bank in the above captioned matter. Enclosed for filing please find the original and two copies of the following documents:

1. Order to Show Cause
2. Verified Complaint

3. Certification of Thad Burr
4. Certification of Brian C. Nicholas, Esq.

We respectfully request that Your Honor set a return date 60 days from the entry of the Order to Show Cause as there are not many loans included in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Brian C. Nicholas', written in a cursive style with a long horizontal flourish extending to the right.

Brian C. Nicholas, Esq.

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**IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY MIDFIRST
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SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION

Civil Action

Docket No: F-

**CERTIFICATION OF
THAD BURR**

THAD BURR, of full age, hereby certifies as follows:

1. I am a First Vice President of MidFirst Bank (hereinafter "MidFirst"). In this capacity, I am the person responsible for managing the overall operations of the Foreclosure Department. As such, I have the authority to make this Certification on behalf of MidFirst. I am the officer in the best position to provide this Certification and explain MidFirst's policies and procedures as they relate to foreclosures and Notices of Intention to Foreclose. I am fully familiar with the facts set forth in this Certification and make this Certification in support of MidFirst's Verified Complaint and Order to Show Cause pursuant to the Supreme Court's April 4, 2012 Order in furtherance of the Guillaume decision.

2. I have managed the overall operations of the Foreclosure Department for over twelve (12) years. Prior to assuming my current position, I worked as a manager in the

foreclosure department for three years. I have over fifteen (15) years of experience with our company. Given my experience in the Foreclosure Department, I have extensive knowledge of the policies, procedures and processes that MidFirst follows as a loan becomes delinquent, referred to foreclosure, and ultimately liquidated. As such, I submit this Certification based upon personal knowledge as well as knowledge gained through a personal review of the business records where necessary.

3. MidFirst is a federally chartered savings association headquartered in Oklahoma City, Oklahoma that services residential mortgage loans, primarily loans insured by the Department of Housing and Urban Development (HUD), throughout the country, including in the state of New Jersey.

4. Prior to July 15, 2011, MidFirst serviced loans through a wholly owned operating subsidiary of MidFirst called Midland Mortgage Co.

5. Once a loan goes into default, multiple attempts are made to contact the borrower to see if any arrangement short of foreclosure can be reached, including a repayment plan, loan modification, forbearance agreement, deed in lieu of foreclosure or short sale. If the borrower opts not to communicate with us or does not otherwise resolve the default through reinstatement or one of the aforementioned plans, MidFirst sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Act, which includes identification of MidFirst

Bank as the lender and providing its address. The NOI gives the borrower at least thirty days to cure the default. If the default is not cured, or the other arrangements made to resolve the delinquency, the loan is referred to local foreclosure counsel to initiate the foreclosure after the NOI expires.

6. In light of the New Jersey Supreme Court's opinion in U.S. Bank National Association v. Guillaume, 209 N.J. 449 (2012), MidFirst revised its form NOI to ensure it strictly complies with the Fair Foreclosure Act.

7. Attached as Exhibit "1" is a true and accurate copy of the form Notice of Intention to Foreclose that MidFirst intends to utilize.

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



THAD BURR

DATED: 10-4-13

Exhibit “1”



Midland Mortgage A Division of MidFirst Bank

P.O. Box 268806 • Oklahoma City, OK 73126

Tel: 800.552.3000 • Fax: 405.767.5815 • MyMidlandMortgage.com

4/15/2012

REV 6.64

John Smith
1234 Main St
Unit 23
Anytown OK 73111

WRITTEN NOTICE OF INTENT TO FORECLOSE
(NJ STAT ANN SEC. 2A:50-56)

Dear John Smith:

Please read the following important information concerning your mortgage loan that is serviced by Midland Mortgage, a Division of MidFirst Bank (Midland Mortgage):

1. This notice concerns your obligation under a Note and Mortgage/Deed of Trust on property address 45778 Deercreek Rd, Unit B, Anytown OK 73114 (Loan Number 7013).
2. You are presently **in default** due to the failure to make required monthly mortgage payments owed under your Note and Mortgage/Deed of Trust.
3. You have the right to cure the default and avoid foreclosure as provided in section 5, NJ Stat. Ann. Sec. 2A:50-57.
4. The Total Sum of Money Due to cure the default as of the date of this letter is \$84589, which includes the following:

Missed monthly mortgage payments (including interest) from 1/1/2009 through 6/1/2012:	\$84589
--	---------

Total Sum of Money Due as of the date of this letter:	\$84589
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Please note that payment of the Total Sum of Money Due to cure the default does not affect your continuing obligation to make future monthly mortgage payments that become due after the date of this letter.

5. You must cure the default by **5/15/2012** by tendering the Total Sum Due payable to Midland Mortgage and delivering that payment to Midland Mortgage, c/o Danny Sullivan or New Jersey Payment Processor, P.O. Box 268888, Oklahoma City, OK 73126-8888, 1-800-552-3000.
6. If the default is not cured by **5/15/2012**, the lender may take steps to terminate your ownership in the property by commencing or continuing a foreclosure suit in a court of competent jurisdiction.

*If you have received a bankruptcy discharge of the debt secured by the Mortgage/Deed of Trust or you are currently in bankruptcy under the protection of the automatic stay, this letter is not an attempt to collect the debt, but any default will need to be cured to avoid foreclosure. If your loan was in default at the time MidFirst Bank acquired the servicing of your loan and you have not filed bankruptcy or received a discharge of the debt secured by the Mortgage/Deed of Trust, we are required to advise you that this communication is from a debt collector, this is an attempt to collect a debt, and any information obtained will be used for that purpose.



Midland Mortgage *A Division of MidFirst Bank*

P.O. Box 268806 • Oklahoma City, OK 73126

Tel: 800.552.3000 • Fax: 405.767.5815 • MyMidlandMortgage.com

7. If the lender takes steps to terminate your ownership interest in the property by commencing or continuing a foreclosure suit in a court of competent jurisdiction, you shall still have the right to cure your default pursuant to section 5, NJ Stat. Ann. Sec. 2A:50-57, but you shall be responsible for the lender's court costs and attorney fees in an amount not to exceed that amount permitted pursuant to the Rules Governing the Courts of the State of New Jersey.
8. You may have the right to transfer the real estate to another person subject to the security interest and that transferee may have the right to cure the default as provided herein, subject to the mortgage documents.
9. You are advised to seek counsel from an attorney of your own choosing concerning your residential mortgage default situation. If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association or Lawyer Referral Service in the county in which the residential property securing the mortgage loan is located. If you are unable to afford an attorney, you may communicate with the Legal Services Office in the county in which the property is located.
10. Financial assistance for curing your default may be available from programs operated by the State or Federal Government or non-profit organizations, if any, as identified by the Commissioner of Banking and Insurance. A list of those organizations identified on the Commissioner of Banking and Insurance website is enclosed.
11. The name and address of the lender is: MidFirst Bank, 999 NW Grand Blvd., Oklahoma City, OK 73118. You may contact Twila Ballard or any other loan counselor at Midland Mortgage, representative of lender, toll free at 1-800-552-3000, if you disagree with the lender's assertion that a default has occurred or the correctness of the Lender's calculation of the amount required to cure the default.

Please be advised that you have the opportunity to receive home ownership counseling regarding the retention of your home from various local agencies approved by the Department of Housing and Urban Development (HUD). For a list of the agencies nearest you, contact HUD at their toll-free number 1-800-569-4287.

Please contact our Delinquency Assistance Center toll free at 1-800-552-3000, Monday through Friday, 8:00 a.m. to 9:00 p.m. (Central Time) to discuss how we can assist you in resolving your default and saving your home.

Sincerely,

Delinquency Assistance Center
Midland Mortgage, a Division of MidFirst Bank

Enclosure

*If you have received a bankruptcy discharge of the debt secured by the Mortgage/Deed of Trust or you are currently in bankruptcy under the protection of the automatic stay, this letter is not an attempt to collect the debt, but any default will need to be cured to avoid foreclosure. If your loan was in default at the time MidFirst Bank acquired the servicing of your loan and you have not filed bankruptcy or received a discharge of the debt secured by the Mortgage/Deed of Trust, we are required to advise you that this communication is from a debt collector, this is an attempt to collect a debt, and any information obtained will be used for that purpose.

Fair Foreclosure Act Notice of Intention to Foreclose - List of Entities Providing Assistance

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.

American Credit Alliance, Inc. 26 S. Warren St. Trenton, NJ 08608 609-393-5400	Atlantic Human Resources, Inc. 1 S. New York Ave. Atlantic City, NJ 08401 609-348-4131	Consumer Credit Counseling Service of Central New Jersey 1931 Nottingham Way Hamilton, NJ 08619 609-586-2574
Consumer Credit Counseling Service of New Jersey 185 Ridgedale Ave. Cedar Knolls, NJ 07927-1812 973-267-4324	Fair Housing Council of Northern New Jersey 131 Main St. Hackensack, NJ 07601 201-489-3552	Garden State Consumer Credit Counseling, Inc. 225 Willowbrook Road Freehold, NJ 07728 1-800-992-4557
Jersey Counseling & Housing Development, Inc. 29 S. Blackhorse Pike Blackwood, NJ 08012 856-227-3683	Jersey Counseling & Housing Development, Inc. 1840 S. Broadway Camden, NJ 08104 856-541-1000	Mercer County Hispanic Association 200 E. State St., 2nd Floor Trenton, NJ 08607 609-392-2446
Middlesex County Economic Opportunities Corporation 1215 Livingston Ave. North Brunswick, NJ 08902 732-790-3344	Monmouth County Human Services Housing Services Unit P.O. Box 3000 Freehold, NJ 07728 732-431-7998	NJ Citizen Action (<i>main office/financial education center</i>) 744 Broad St., Suite 2080 Newark, NJ 07102 973-643-8800 1-800-NJ-OWNER (loan counseling) 1-888-TAXES-11 (free tax preparation assistance)
NJ Citizen Action (<i>Central Jersey</i>) 85 Raritan Ave., Suite 100 Highland Park, NJ 08904 732-246-4772	NJ Citizen Action (<i>South Jersey</i>) 2 Riverside Drive, Suite 362 Camden, NJ 08103 856-966-3091	Ocean Community Economic Action Now, Inc. 22 Hyers St. Toms River, NJ 08753-0773 732-244-2351, ext. 2
Paterson Coalition for Housing, Inc. 262 Main St., 5th Floor Paterson, NJ 07505 973-684-5998	Paterson Task Force for Community Action, Inc. 155 Ellison St. Paterson, NJ 07505 973-279-2333	Puerto Rican Action Board Housing Coalition Unit 90 Jersey Ave. New Brunswick, NJ 08903 732-249-9700
Tri-County Community Action Agency, Inc. 110 Cohansey St. Bridgeton, NJ 08302 856-451-6330	Urban League for Bergen County 106 W. Palisade Ave. Englewood, NJ 07631 201-568-4988	Urban League for Essex County 508 Central Ave. Newark, NJ 07101 973-624-9535
Urban League of Union County 288 N. Broad St. Elizabeth, NJ 07208 908-351-7200	Homelessness Prevention Program New Jersey Department of Community Affairs (866) 889-6270*	

*Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the deed and mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

http://www.state.nj.us/dobi/division_consumers/finance/counselors.html#counsel

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Attorneys for Petitioner, MidFirst Bank

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY MIDFIRST
BANK

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION

Civil Action

Docket No:

CERTIFICATION OF
BRIAN C. NICHOLAS, ESQ.

BRIAN C. NICHOLAS, ESQ., of full age, hereby certifies as follows:

1. I am an attorney licensed to practice in the State of New Jersey and an associate with the law firm of Zucker, Goldberg & Ackerman, L.L.C. I am the attorney responsible for this matter and in this capacity I am familiar with the facts of the Order to Show Cause and Verified Complaint filed by MidFirst Bank (hereinafter "MidFirst"). I make this certification in support of Petitioner's application for an Order to Show Cause.
2. The Certification of Thad Burr and the Verification of the Verified Complaint by Thad Burr contain a facsimile of the original signature of Mr. Burr. The signature is genuine and the original signature can be provided should the Court so request.

3. In addition to serving the Order to Show Cause by certified mail return receipt requested and regular mail to the property address subject to the foreclosure and, if different, the borrower's last known address in MidFirst's system of record, Plaintiff proposes providing notice of this action by publication.
4. Attached as Exhibit "C" is a copy of the notice plaintiff proposes be utilized for publication in the following newspapers:
 - a. Star Ledger
 - b. Bergen Record
 - c. The Press of Atlantic County
 - d. The Gloucester County Times
5. Attached as Exhibit "D" is a copy of the Cover Letter that was promulgated by the Conference of General Equity Judges to be served with the new NOI.
6. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



BRIAN C. NICHOLAS, ESQ.

DATED: 10/4/13

Exhibit “C”

NOTICE

Docket No. :
Superior Court of New Jersey
Chancery Division

(L.S.) STATE OF NEW JERSEY TO:

**Any defendant in an uncontested
residential mortgage foreclosure action
where MidFirst Bank is the Plaintiff**

YOU ARE HEREBY ORDERED TO SHOW CAUSE why the relief requested by MidFirst Bank in the Verified Complaint and Order to Show Cause in a civil action pending in the Superior Court of New Jersey, Chancery Division, and bearing Docket <INSERT DOCKET NO> should not be granted by the Court. Copies of all of the pleadings in regard to this matter may be obtained by contacting plaintiff's counsel or from the Court's web page at <http://www.judiciary.state.nj.us>.

This action has been instituted for the purpose of whether or not the Court should allow MidFirst Bank to re-send Notice of Intentions to Foreclosure pursuant to the process established by the Supreme Court of New Jersey on April 4, 2012. Any opposition to this action must be in writing and filed with the Clerk of the Superior Court, Hughes Justice Complex - CN 971, Trenton, New Jersey 08625. A copy of the opposition must also be sent to Honorable Margaret Mary McVeigh, P.J.Ch., Passaic County Courthouse, 71 Hamilton St., Chambers 100, Paterson, NJ 07505 and Brian C. Nicholas, Esq., Zucker, Goldberg & Ackerman, L.L.C., 200 Sheffield Street, Suite 101, Mountainside, NJ 07092. Any opposition must be filed no later than <INSERT DATE>. If timely opposition is filed, the Court may conduct oral argument on <INSERT DATE>. If no timely opposition is filed, the Court may rule on the application on the papers on the return date.

If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association by calling **732-249-5000**. You may also contact the Lawyer Referral Service of the County of venue by calling **973-267-5882**. If you cannot afford an attorney, you may communicate with the Legal Services office of the County of venue by calling **973-383-7400**.

Michelle Smith

MICHELLE SMITH, CLERK
SUPERIOR COURT OF NEW JERSEY

This is an attempt to collect a debt, and any information obtained will be used for that purpose.

"The Fair Housing Act prohibits "any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make such preference, limitation or discrimination" in connection with any aspect of a residential real estate transaction. Zucker, Goldberg and Ackerman, LLC, encourages and supports the equal housing practices of the Fair Housing Act in the conduct of its business."

Exhibit “D”

LEONARD B. ZUCKER
MICHAEL S. ACKERMAN
JOEL ACKERMAN*

FRANCES GAMBARDIELLA
BRIAN C. NICHOLAS**
SCOTT A. DIETTERICK †
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Please send your request to: zuckergoldberg.com/pr

REPLY TO NEW JERSEY ADDRESS

FOUNDED IN 1923
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♦ ALSO MEMBER OF NY BAR
† ALSO MEMBER OF PA BAR
† ALSO MEMBER OF NY AND DC BAR
‡ MEMBER OF PA BAR ONLY

[Date]

[Defendant Name(s)]
[Defendant Address]
[Defendant City, State ZIP]

Re: Order to Show Cause – In re Notices of Intention to Foreclose Served by MidFirst Bank
Docket No.: F-12399-12

Your Foreclosure Action - [Caption and Docket Number of Defendant's Foreclosure Action]

Dear [Defendant Name(s)]:

Please be advised that the New Jersey Supreme Court recently held in *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012), that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act's requirement that that a Notice of Intention to Foreclose set forth the name and address of the lender.

Why You Are Receiving This Letter

You are receiving this letter because you are the defendant in a pending foreclosure action, and it is believed that the Notice of Intention to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act.

By the court's Order to Show Cause dated [month] [day], 2012, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, gave permission to MidFirst Bank to serve, along with the Order to Show Cause and verified complaint, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012 in which MidFirst Bank is the plaintiff and/or servicer.

Information About the Order to Show Cause and Verified Complaint

Enclosed with this letter are copies of the Order to Show Cause and verified complaint, without exhibits. Exhibit [EX] to the verified complaint, which lists the foreclosure actions in which [plaintiff name] is the plaintiff that pertain to Count [___] of the verified complaint, identifies the foreclosure action in which you are a defendant. Copies of these documents will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>.

Information About the Corrected Notice of Intention to Foreclose

Also enclosed with this letter is the corrected Notice of Intention to Foreclose. It allows you an additional 30 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' fees. It also sets forth important information about your loan, including information on how you can cure the default; the consequences of failing to cure the default; contact information for the plaintiff; and information about retaining counsel and borrower assistance. If you fail to cure the default by the date set forth in the corrected Notice of Intention to Foreclose, the foreclosure action against you will proceed.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the named plaintiff in the foreclosure action. The corrected Notice of Intention to Foreclose lists the name and address of the current lender on your loan.

Questions about the Notice of Intention to Foreclose

Should you have questions with regard to your loan or the corrected Notice of Intention to Foreclose, please contact MidFirst Bank at 800-552-3000. Additional contact information is provided in the corrected Notice of Intention to Foreclose.

How to File an Objection

You have the right to object to the enclosed Order to Show Cause (the process by which the court gave the plaintiff permission to serve the corrected Notice of Intention to Foreclose). To do so, you must file a written objection under the docket number for the Order to Show Cause.

You also have the right to object to the enclosed corrected Notice of Intention to Foreclose. To do so, you must file a written objection under the docket number for the foreclosure action in your individual case.

For either type of objection, you must set forth with specificity the basis of the objection, and file the objection with the Superior Court Clerk's Office at the following address within 30 days:

Superior Court Clerk's Office, Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclose
P.O. Box 971
Trenton, New Jersey 08625

You must also serve a copy of the objection on the plaintiff's attorney, Brian C. Nicholas, Esq. at 200 Sheffield Street, Suite 101, Mountainside, N.J. 07902, and mail a copy of the objection to Judge McVeigh at Passaic County Courthouse. 71 Hamilton Street, Chambers 100, Paterson, N.J. 07505.

Your personal appearance at the Superior Court Clerk's Office or your local courthouse will not qualify as an objection. A telephone call will not protect your rights; you must file your objection and serve it on the plaintiff's attorney if you want the court to hear your objection to the relief the plaintiff is seeking. If you file a specific written objection, the case will be sent to a Judge for resolution. You will be informed by the Judge of the time and place of the hearing on your objection.

Questions about Filing an Objection

Should you have questions related to the procedure for filing an objection, please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at SCCOForeclosure.Mailbox@judiciary.state.nj.us.

Very truly yours,

Zucker, Goldberg & Ackerman, L.L.C.

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