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

FILED Oct 16, 2013

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY MIDFIRST BANK	SUPERIOR COURT OF NEW JERSEY PASSAIC COUNTY CHANCERY DIVISION Civil Action Docket No: F -035748-13 **ORDER TO SHOW CAUSE TO PROCEED SUMMARILY PURSUANT TO R. 4:67-2**

THIS MATTER being brought before the court by the law firm of Zucker, Goldberg & Ackerman, L.L.C., attorneys for plaintiff, MidFirst Bank, seeking relief by way of summary action as set forth in Chief Justice Stuart Rabner's April 4, 2012 Order and based upon the facts set forth in the Verified Complaint filed herewith; and the Court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2 and for good cause shown;

IT IS on this 16th day of October, 2013,

ORDERED that the parties in interest listed in Exhibits A and B of the Verified Complaint appear and show cause on the 16th day of January, 2014 before the Honorable Margaret Mary McVeigh, P.J.Ch., Superior Court, Passaic County, Chancery Division, at 71 Hamilton Street, Paterson, N.J. 07505 at 2:00 P.M. o'clock, why judgment should not be entered as follows:

A. Declaring Plaintiffs' Form Notice of Intention to Foreclose to be compliant with the requirements of the Fair Foreclosure Act; and

B. Allowing MidFirst to send new Notices of Intention to Foreclose, giving the borrower(s) at least ~~thirty~~ 35 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 relief as the court deems equitable and just.

IT IS FURTHER ORDERED that:

1. Plaintiff shall serve a copy of this Order to Show Cause upon all individuals obligated on the Note secured by a Mortgage on residential property that is the borrower's, or their immediate family's, principle 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.

2. A copy of this Order to Show Cause and Verified Complaint shall be posted on the Judiciary Web Page. **within 5 days of the date of this Order.**

3. A true copy of this Order to Show Cause, Verified Complaint (without exhibits), and Certification of Thad Burr (without exhibits), shall be served upon the parties in interest listed in Exhibits A and B to the Verified Complaint, by certified mail, return receipt requested (or by registered

mail, return receipt requested with respect to any party in interest who resides outside the United States) and regular mail**Wihin 45 days of the date of this Order.**

4. Along with this Order to Show Cause, Plaintiff may serve the corrective Notice of Intention to Foreclose allowing the borrower at least ~~thirty~~ **35** days to cure the default on the subject mortgage without having to pay attorneys fees or costs, in a form as set forth in Exhibit "1" of the Certification of Thad Burr. Plaintiff shall also serve a Cover Letter in the form set forth in Exhibit "D" of the Certification of Brian C. Nicholas, Esq.

   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 "C" to the Certification of Brian C. Nicholas, Esq. on at least two days prior to **December 10, 2013,** in the following newspapers:

a. Star Ledger
b. Bergen Record
c. The Press of Atlantic City

d. The Gloucester County Time

6. The Court will only entertain objections to the process outlined in the Supreme Court's April 4, 2012 Order to allow plaintiff permission to serve new NOIs. Any party in interest who wishes to object to the process shall file the objection, **in writing**, with the:

Clerk of the Superior Court
Hughes Justice Complex
25 Market Street
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.
Passaic County Courthouse
71 Hamilton St., Chambers 100
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:

Brian C. Nicholas, Esq.
Zucker, Goldberg & Ackerman, L.L.C.
200 Sheffield Ave, Suite 101
Mountainside, N.J. 07092

Any objection shall be in writing and be limited to any objections to the Order to Show Cause process. Objections to this order to show cause must be filed no later than **December 30, 2013.**

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

8. Any objection in regard to a specific foreclosure case or a specific 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 to a specific case or 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 the Plaintiff, to the 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. A list of these offices is provided. 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. A list of these office numbers is also provided.

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

the 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, the Plaintiff's written reply shall be filed and served by **January 6, 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. The Plaintiff shall file proof of service of the Verified Complaint, this Order to Show Cause and all supporting documents with the Clerk of Superior Court no later than nine (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 advised to the contrary no later than _____ days before the return date~~.

Margaret Mary McVeigh