

FILED Jan 30, 2014

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

---

**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-35748-13

**FINAL ORDER**

---

**THIS MATTER** being brought before the court by Brian C. Nicholas, Esq. of the law firm of Zucker, Goldberg & Ackerman, L.L.C., attorneys for petitioner, MidFirst Bank, 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 October 4, 2013, Certification of Thad Burr, Certification of Brian C. Nicholas, Esq., the arguments of counsel and all other documents submitted; and the Court having made the following findings of fact and conclusions of law:

1. This matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, as authorized by Chief Justice Rabner's April 4, 2012 Order, and the Honorable Margaret M. McVeigh, P.J.Ch. having entered an Order to Show Cause on October 16, 2013 setting a return date of January 16, 2014; and

2. The Order to Show Cause directed all borrowers listed on Exhibits A and B to the Verified Complaint to appear and show cause why the Court should not allow MidFirst to send new Notices of Intention to Foreclose; and

3. The Order to Show Cause and supporting documents were served by Petitioner on each borrower by regular and certified mail, return receipt requested, at the property address, last known address in the MidFirst's records and the address where service of process of the underlying foreclosure was effectuated, if different; and

4. One of the documents served on each borrower was a new Notice of Intention to Foreclose that complies with the requirements of N.J.S.A. 2A:50-56;

5. Notice of this Order to Show Cause was published two times in the Gloucester County Times, Star Ledger, The Press of Atlantic City and the Bergen Record pursuant to the Order to Show Cause;

6. Borrowers that were in an active Bankruptcy in which the provisions of the Automatic Stay were still in effect, were NOT served with a copy of the Order to Show Cause and supporting certifications; and

7. Neither the Court nor counsel for Petitioner received written objections prior to the December 30, 2013 deadline to file same;

**THEREFORE, IT IS** on this 30th day of January, 2014,

**ORDERED** that all objections to the Order to Show Cause are hereby overruled for the reasons set forth on the record on January 16, 2014; and

**IT IS FURTHER ORDERED** that MidFirst's request to send new Notices of Intention to Foreclose on pre-final judgment foreclosure matters listed in Exhibits to the Verified Complaint is hereby GRANTED; and

**IT IS FURTHER ORDERED** that the Notices of Intention to Foreclose served in accordance with this Court's October 16, 2013 Order to Show Cause complied with the requirements of the Fair Foreclosure Act; and

**IT IS FURTHER ORDERED** that since more than ~~thirty~~ <sup>35</sup> days have elapsed since the service of the new Notices of Intention to Foreclose, MidFirst may resume any foreclosure where the borrower has not reinstated the loan; <sup>\*\*</sup> and

**\*\*subject to any suspension or stay as a result of bankruptcy filing or loss mitigation activity;**

**IT IS FURTHER ORDERED** that the Office of Foreclosure is authorized to process and recommend entry of final judgment, upon the submission of an appropriate application to enter judgment, on any foreclosure that was subject to this Order to Show Cause; **\*\*** and

**IT IS FURTHER ORDERED** that a copy of this Final Order shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us> **in a searchable PDF format;**

**IT IS FURTHER ORDERED** that within seven days, Petitioner shall serve a copy of this Order, by regular mail, upon any party that has filed a written objection in this matter.

**IT IS FURTHER ORDERED** that a copy of this Final Order, without exhibits, will be published one time before February 10, 2014, in the following four newspapers: Star Ledger, The Bergen County Record, The Press of Atlantic City, and The Courier Post.

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

**\*\* Any previously filed motions for entry of Final Judgment that are pending review by the Office of Foreclosure are to be withdrawn and a spreadsheet is to be submitted to the Superior Court Clerk's Office listing the cases in which motions for entry of Final Judgment are being withdrawn and complete/updated motions for entry of Final Judgment (including CODIs) are to be filed on notice to the Foreclosure Defendants once the withdrawals are complete;**