

FILED Dec 17, 2013

Nelson Diaz, Esquire; Atty ID No.: 007221987  
MILSTEAD & ASSOCIATES, LLC  
Woodland Falls Corporate Park  
220 Lake Drive East, Suite 301  
Cherry Hill, NJ 08002  
(856) 482-1400  
Attorneys for Plaintiff, Alliant Credit Union

**IN RE APPLICATION BY ALLIANT  
CREDIT UNION TO ISSUE  
CORRECTED NOTICES OF INTENT TO  
FORECLOSE ON BEHALF OF  
FORECLOSURE PLAINTIFF ALLIANT  
CREDIT UNION IN UNCONTESTED  
CASES**

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION**

**MERCER COUNTY**

**Docket No.: F -047126-13**

**CIVIL ACTION**

**VERIFIED COMPLAINT**

Plaintiff, Alliant Credit Union, by and through their attorneys, Milstead & Associates, LLC, by way of Verified Complaint, hereby say as follows:

1. Alliant Credit Union, (hereinafter "Alliant"), holds and services mortgages encumbering residential properties in the State of New Jersey.
2. When a loan becomes delinquent and after all efforts to assist the borrower to bring the loan current have failed, Alliant is responsible for commencing a foreclosure action to collect upon the Note and Mortgage. In all New Jersey cases, Alliant sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Action, which advises the borrower of the situation and provides the borrower with the necessary information to bring the loan current. The NOI is sent at least 30 days prior to the commencement of the foreclosure action. In the event the borrower does not cure the default, and after the NOI expires, the loan is referred to local counsel to initiate foreclosure.

3. 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), which requires strict compliance with the requirements of the Fair Foreclosure Act. In so holding, the Court stated that the NOI must identify the lender and provide the lender's address. The Court in Guillaume further held that a Court adjudicating a foreclosure action in which the strict requirement of N.J.S.A. 2A:50-56 were not met, has the judicial discretion to choose an appropriate remedy permitting the cure of the deficient NOI.
4. Following the Court's opinion in Guillaume, the Court issued an Order on April 4, 2012, authorizing the Court to entertain Orders to Show Cause, to be filed by lenders and their servicing agents, which seek to allow the lenders to cure deficient NOIs previously served in pending, pre-judgment, uncontested foreclosure actions which were filed prior to February 27, 2012. A copy of this Order is attached hereto as Exhibit "A".
5. Alliant has identified a foreclosure case filed prior to February 27, 2012 in which it served NOIs that failed to properly identify the lender and/or provide the lender's address as required by N.J.S.A. 2A:50-56.
6. Alliant has attached hereto, as Exhibit "B", a residential foreclosure action, which is at the pre-judgment stage of the litigation, for which Alliant has identified as having an NOI that failed to properly identify the lender or provide the lender's address.
7. Attached hereto as Exhibit "C" is a true and accurate copy of a proposed form of corrected NOI which Alliant currently utilizes and proposes to send to each Defendant identified in Exhibit "B". Should the Court so authorize, Alliant will send this form of corrected NOI to each borrower identified. The corrected NOI contains

the name and address of the current lender and will contain the specific information unique to each particular borrower, which will enable them to reinstate their loan.

The corrective NOI which Alliant proposes to send will exclude all attorney's fees and costs which have been incurred in connection with the foreclosure action.

8. Alliant will also send the proposed form of letter of explanation, attached hereto as Exhibit "D", to each defendant pursuant to the April 4, 2012 Order of the New Jersey Supreme Court.
9. Alliant requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order which permits Alliant to provide the borrowers with a corrective form of NOI.
10. WHEREFORE, Alliant respectfully request judgment:
  - (a) Deeming the form of Notice of Intention to Foreclose attached as Exhibit "C" to the Verified Complaint as compliant with the requirements of the Fair Foreclosure Act;
  - (b) Permitting Alliant, through its counsel, to serve the new Notice of Intentions to Foreclose, in the form attached as Exhibit "C" to each borrower / defendant obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "B" of the Verified Complaint, where Alliant is the Plaintiff, along with the letter of explanation, in the form attached hereto as Exhibit "D".
  - (c) Any further relief the Court deems equitable and just.

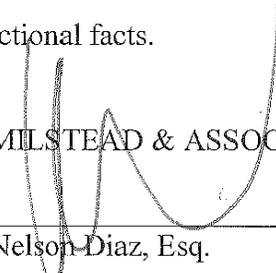
CERTIFICATION

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 proceeding contemplated, other than the pending foreclosure actions in Exhibit "B" to the 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.

Date: 12/12/13

MILSTEAD & ASSOCIATES, LLC

  
\_\_\_\_\_  
Nelson Diaz, Esq.

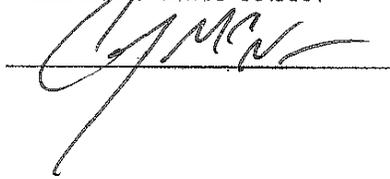
VERIFICATION

I, Chris McNamara, of full age, certify as follows:

1. I am the Manager of LPR of Alliant Credit Union.
2. I am authorized to execute this Verification.
3. I have read the contents of the Verified Complaint and verify the statements contained therein are true to the best of my knowledge and personal information.
4. The Exhibits attached to this Verified Complaint are true and accurate to the best of my knowledge and belief.

ALLIANT CREDIT UNION

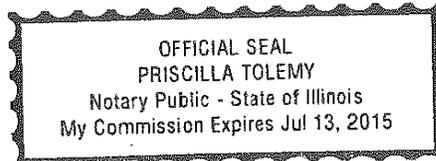
Date: 11/26/13



Sworn and subscribed to before  
me this 20<sup>th</sup> day of

Nov., 2013

  
NOTARY PUBLIC  
(seal)



# EXHIBIT "A"

## SUPREME COURT OF NEW JERSEY

In furtherance of the Court's holding in U.S. Bank N.A. v. Guillaume, A-11-11 (February 27, 2012), it is ORDERED that Hon. Paul Innes, P.J.Ch., Mercer Vicinage, and Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, are each authorized to entertain summary actions by Orders to Show Cause as to why plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012 in which final judgment has not yet been entered, who served Notices of Intention to Foreclose that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected Notices of Intention to Foreclose on defendant mortgagors and/or parties obligated on the debt. Such summary actions should be filed with the Clerk of the Superior Court and assigned to each judge upon filing.

It is FURTHER ORDERED that, if approved by the court, any corrected Notice of Intention to Foreclose served pursuant to an order issued as a result of such an action must be accompanied by a letter to the defendant mortgagor and/or parties obligated on the debt setting forth the reasons why the corrected Notice of Intention to Foreclose is being served, the procedure to follow in the event a defendant wishes to object to the Notice of Intention to Foreclose, the individuals to contact with any questions, and that the receipt of the corrected Notice of Intention to Foreclose allows defendant mortgagors and/or parties obligated on the debt 30 days in which to object or to cure the default.

It is FURTHER ORDERED that any Rule 4:64-1(a) or Rule 4:64-2(d) Certification of Diligent Inquiry filed by a plaintiff who has served a corrected Notice of Intention to

Foreclose pursuant to an order issued as a result of such summary action shall list therein with specificity the steps taken to cure the deficient Notice of Intention to Foreclose.

It is FURTHER ORDERED that the Office of Foreclosure is authorized to recommend the entry of final judgment pursuant to Rule 1:34-6 in uncontested actions in which the procedures set forth in this Order have been followed.

For the Court,

A handwritten signature in black ink, appearing to be "S. P. ...", written over a horizontal line.

Chief Justice

Dated: April 4, 2012

**EXHIBIT "B"**

<b>Borrower</b>	<b>Docket No.</b>	<b>Plaintiff</b>	<b>Vicinage</b>
Jeannet L. Naughton James J. Naughton	F-609148-11	Alliant Credit Union	Sussex

EXHIBIT "C"

MILSTEAD & ASSOCIATES, LLC

Michael J. Milstead, Esq.  
Richard M. Milstead, Esq.  
Nelson Diaz, Esq. PA & NJ  
Mary L. Harbert-Bell, Esq. PA & NJ  
Patrick J. Wesner, Esq. PA & NJ  
Mark E. Herrera, Esq. PA & NJ  
David H. Lipow, Esq. PA & NJ  
Andrew M. Lubin, Esq. NJ  
Whitney E. Weinlein, Esq. NJ  
Robert W. Williams, Esq. PA & MD  
Lisa Ann Thomas  
Sr. Foreclosure Administrator

Attorneys at Law  
Woodland Falls Corporate Park  
220 Lake Drive East, Suite 301  
Cherry Hill, New Jersey 08002  
TEL (856) 482-1400 FAX (856) 482-9190  
www.milsteadlaw.com

Pennsylvania Location:  
7 N. Columbus Boulevard #200  
Philadelphia, PA 19106-1422  
Phone: (215) 717-0043  
Fax: (215) 717-0044

Our File No.

[Date]  
Via Certified Mail Return Receipt Requested

[Name]  
[Address]

Re: Mortgage Encumbering Real Property Located at:  
[Address]  
Loan #: [Loan Number]

NOTICE OF INTENTION TO FORECLOSE

Dear Sir/Madam:

Please be advised that this firm represents the interest of the Lender, Alliant Credit Union, whose address is \_\_\_\_\_, with respect to a Note that you executed on [Date of note] in the principal amount of \$[Amount], which is secured by a mortgage on the above-referenced property, dated [Date of mortgage].

This letter is to inform you that you are in default of your obligations pursuant to the above referenced obligation for failure to pay your full regular monthly payments. Your loan has been in default since [Date of Default].

The total amount owed, as of [Date], is [0.00] which is comprised of:

Monthly payments of Principal, Interest and Escrow:	\$0.00
Late Charges:	\$0.00
Total Due:	\$0.00

You have the right to cure the default by payment to the lender/servicer, identified below, the sum of \$0.00 on or before [Date]. Any other scheduled installments and late charges, which will become due to us during this period, even though such installment may not yet be due, is to be included with your payment. All payments must be tendered in the form of certified check, money order or cashier's check.

All payments should be made to:

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If you do not cure the default set forth above by the date specified, the lender may take steps to terminate your ownership interest in the above referenced property by commencing a foreclosure suit in the Superior Court of New Jersey.

If you fail to cure the default by the above specified date, and the lender refers this matter to an attorney for institution of a foreclosure suit in the Superior Court of the State of New Jersey, you still retain the right to cure the default pursuant to Section 5 of the "Fair Foreclosure Act" up to the time of the entry of a final foreclosure judgment or an order of redemption, but you shall be responsible for the lender's court costs and attorney's fees in an amount not to exceed that amount permitted pursuant to the Rules Governing the Courts of the State of New Jersey.

You have the right to transfer the real estate to another person subject to the mortgage and the transferee has the right to cure the default as provided in the "Fair Foreclosure Act", subject to the terms and conditions of the mortgage.

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 your property is located. If you are unable to afford an attorney, you may communicate with the Legal Services Office in the county in which your property is located. [A list of Legal Services Offices is attached].

You may be eligible for financial assistance for curing your default pursuant to programs operated by the State or federal government or non-profit organizations, if any, as identified by the Commissioner of Banking. A list of such programs promulgated by the Commissioner is attached hereto.

You may contact the Lender, Alliant Credit Union or its Servicer as Lender's representative: Dovenmuehle Mortgage, Inc. at 800-669-4268 to speak with a loan representative and/or if you disagree with the lender's assertion that a default has occurred or the correctness of the mortgage lender's calculation of the amount required to cure the default.

Sincerely,

Milstead & Associates, LLC on behalf of  
Alliant Credit Union

**UNLESS YOU NOTIFY US IN WRITING WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS LETTER THAT THE DEBT, OR ANY PART OF IT IS DISPUTED, WE WILL**

ASSUME THAT THE DEBT IS VALID. IF YOU DO NOTIFY US OF A DISPUTE, WE WILL OBTAIN VERIFICATION OF THE DEBT AND MAIL IT TO YOU. ALSO UPON YOUR WRITTEN REQUEST WITHIN THIRTY (30) DAYS, WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR IF DIFFERENT FROM THE CURRENT CREDITOR. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED MAY BE USED FOR THAT PURPOSE.

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

\*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.

<p><b>ATLANTIC COUNTY:</b> Deputy Clerk of the Superior Court Civil Division, Direct Filing 1201 Bacharach Boulevard, First Fl. Atlantic City, NJ 08401 LAWYER REFERRAL (609) 345-3444 LEGAL SERVICES (609) 348-4200</p>	<p><b>GLOUCESTER COUNTY:</b> Deputy Clerk of the Superior Court Civil Case Management Office, Attn: Intake First Floor, Court House 1 North Broad Street Woodbury, NJ 08096 LAWYER REFERRAL (856) 848-4589 LEGAL SERVICES (856) 848-5360</p>	<p><b>OCEAN COUNTY:</b> Deputy Clerk of the Superior Court 118 Washington Street, Room 121 P.O. Box 2191 Toms River, NJ 08754-2191 LAWYER REFERRAL (732) 240-3666 LEGAL SERVICES (732) 341-2727</p>
<p><b>BERGEN COUNTY:</b> Deputy Clerk of the Superior Court Civil Division, Room 115 Justice Center, 10 Main St. Hackensack, NJ 07601 LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166</p>	<p><b>HUDSON COUNTY:</b> Deputy Clerk of the Superior Court Superior Court, Civil Records Dept. Brennan Court House, First Floor 583 Newark Avenue Jersey City, NJ 07306 LAWYER REFERRAL (201) 798-2727 LEGAL SERVICES (201) 792-6363</p>	<p><b>PASSAIC COUNTY:</b> Deputy Clerk of the Superior Court Civil Division Court House 77 Hamilton Street Paterson, NJ 07505 LAWYER REFERRAL (973) 278-9223 LEGAL SERVICES (973) 523-2900</p>
<p><b>BURLINGTON COUNTY:</b> Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake, First Floor Courts Facility, 49 Rancocas Road Mount Holly, NJ 08060 LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (800) 496-4570</p>	<p><b>HUNTERDON COUNTY:</b> Deputy Clerk of the Superior Court Civil Division 65 Park Avenue Flemington, NJ 08822 LAWYER REFERRAL (908) 735-2611 LEGAL SERVICES (908) 782-7979</p>	<p><b>SALEM COUNTY:</b> Deputy Clerk of the Superior Court Attn: Civil Case Management Office 92 Market Street Salem, NJ 08079 LAWYER REFERRAL (856) 935-5629 LEGAL SERVICES (856) 451-0003</p>
<p><b>CAMDEN COUNTY:</b> Deputy Clerk of the Superior Court Civil Processing Office Hall of Justice, 1<sup>st</sup> Fl., Suite 150 101 South 5<sup>th</sup> Street Camden, NJ 08103 LAWYER REFERRAL (856) 964-4520 LEGAL SERVICES (856) 964-2010</p>	<p><b>MERCER COUNTY:</b> Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 South Broad Street P.O. Box 8068 Trenton, NJ 08650 LAWYER REFERRAL (609) 585-6200 LEGAL SERVICES (609) 695-6249</p>	<p><b>SOMERSET COUNTY:</b> Deputy Clerk of the Superior Court Civil Division P.O. Box 3000 40 North Bridge Street Somerville, NJ 08876 LAWYER REFERRAL (908) 685-2323 LEGAL SERVICES (908) 231-0840</p>
<p><b>CAPE MAY COUNTY:</b> Deputy Clerk of the Superior Court 9 North Main Street Cape May Court House, NJ 08210 LAWYER REFERRAL (609) 463-0313 LEGAL SERVICES (609) 465-3001</p>	<p><b>MIDDLESEX COUNTY:</b> Deputy Clerk of the Superior Court Middlesex Vicinage, 2<sup>nd</sup> Floor – Tower 56 Paterson Street, P.O. Box 2633 New Brunswick, NJ 08903-2633 LAWYER REFERRAL (732) 828-0053 LEGAL SERVICES (732) 249-7600</p>	<p><b>SUSSEX COUNTY:</b> Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 383-7400</p>
<p><b>CUMBERLAND COUNTY:</b> Deputy Clerk of the Superior Court Civil Case Management Office 60 West Broad Street, P.O. Box 10 Bridgeton, NJ 08302 LAWYER REFERRAL (856) 696-5550 LEGAL SERVICES (856) 691-0494</p>	<p><b>MONMOUTH COUNTY:</b> Deputy Clerk of the Superior Court Court House P.O. Box 1269 Freehold, NJ 07728-1269 LAWYER REFERRAL (732) 431-5544 LEGAL SERVICES (732) 866-0020</p>	<p><b>UNION COUNTY:</b> Deputy Clerk of the Superior Court First Floor, Court House 2 Broad Street Elizabeth, NJ 07207-6073 LAWYER REFERRAL (908) 353-4715 LEGAL SERVICES (908) 354-4340</p>
<p><b>ESSEX COUNTY:</b> Deputy Clerk of the Superior Court Civil Customer Service Hall of Records, Room 201 465 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102 LAWYER REFERRAL (973) 622-6204 LEGAL SERVICES (973) 624-4500</p>	<p><b>MORRIS COUNTY:</b> Morris County Courthouse Civil Division Washington and Court Streets P.O. Box 910 Morristown, NJ 07963-0910 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 285-6911</p>	<p><b>WARREN COUNTY:</b> Deputy Clerk of the Superior Court Civil Division Office Court House 413 Second Street Belvidere, NJ 07823-1500 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 475-2010</p>

## EXHIBIT "D"

### MILSTEAD & ASSOCIATES, LLC

Michael J. Milstead, Esq.  
Richard M. Milstead, Esq.  
Nelson Diaz, Esq. PA & NJ  
Mary L. Harbert-Bell, Esq. PA & NJ  
Patrick J. Wesner, Esq. PA & NJ  
Mark E. Herrera, Esq. PA & NJ  
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Lisa Ann Thomas  
Sr. Foreclosure Administrator

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220 Lake Drive East, Suite 301  
Cherry Hill, New Jersey 08002  
TEL (856) 482-1400 FAX (856) 482-9190  
*www.milsteadlaw.com*

**Pennsylvania Location:**

7 N. Columbus Boulevard #200  
Philadelphia, PA 19106-1422  
Phone: (215) 717-0043  
Fax: (215) 717-0044

**PLEASE READ THIS LETTER AND THE ENCLOSED DOCUMENTS CAREFULLY,  
AS THEY CONTAIN IMPORTANT INFORMATION CONCERNING YOUR RIGHTS**

Defendant Name

Defendant Address

Defendant City, State, Zip Code

RE: Order to Show Cause and Docket Number: CAPTION AND DOCKET NUMBER  
Your foreclosure action: CAPTION AND DOCKET NUMBER

Dear Borrower:

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 strictly comply with the New Jersey Fair Foreclosure Act's requirement that a Notice of Intention to foreclose set forth the information set forth in the Act.

#### **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 may not have strictly complied with the requirements of the Fair Foreclosure Act.

By the Court's Order to Show Cause dated \_\_\_\_\_, 2013, and in compliance with the Supreme Court's opinion in U.S. Bank, N.A. v. Guillaume, the Judge gave permission to \_\_\_\_\_ (name of Bank) to serve, along with the Order to Show Cause and verified Complaint, corrected Notices of Intention to foreclose on all defendant mortgagors

or parties obligated on the debt in pending foreclosure actions filed before February 28, 2012 in which \_\_\_\_\_ (name of 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. The Verified Complaint lists all of the matters for which \_\_\_\_\_ (name of Bank) is seeking to issue new Notices of Intention to Foreclose.

The attachments to the Verified Complaint which lists the foreclosure actions will be made available on the New Jersey Court's website at <http://www.judiciary.state.nj.us>. If you are unsure of the docket number for your foreclosure action, you can access that information on the Court's website on the attached exhibits to the Verified Complaint by entering your name on the automatic search field on the Court's website. If you do not have access to a computer or have trouble locating that information on the Court's website, you can contact a representative of \_\_\_\_\_ (name of Bank) at \_\_\_\_\_ (phone number) who can assist you in locating the information about your foreclosure.

### **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 attorney's 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 \_\_\_\_\_ (name) at \_\_\_\_\_ (phone number). Additional contact information is provided in the corrected Notice of Intention to Foreclose.

### **How to File an Objection**

You have the right to object 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 by \_\_\_\_\_:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attn: Objection to NOI  
PO Box 971  
Trenton, NJ 08625

You must also serve a copy of the objection on the plaintiff's attorney:

Nelson Diaz, Esq.  
Milstead & Associates, LLC  
220 Lake Drive East, Suite 301  
Cherry Hill, NJ 08002

and mail a copy of the objection to Judge \_\_\_\_\_ at the following address:

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 of your objection.

**Questions About Filing an Objection:**

Should you have any questions related to the procedure for filing an objection, please visit the New Jersey Court 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](mailto:SCCOForeclosure.Mailbox@judiciary.state.nj.us).

Very truly yours,

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Encs.: Verified Complaint  
Corrected Notice of Intention to Foreclose  
Order of the Superior Court  
Letter Brief and supporting Certification







