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STERN LAVINTHAL & FRANKENBERG LLC
105 Eisenhower Parkway - Suite 302
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Attorneys for Plaintiff
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IN RE APPLICATION FOR RAYMOND JAMES BANK, N.A. TO ISSUE REMEDIATED NOTICES OF INTENTION TO FORECLOSE IN PENDING UNCONTESTED FORECLOSURE ACTIONS

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
CIVIL ACTION
Docket No: F-47591-13

ORDER TO SHOW CAUSE TO PROCEED SUMMARILY PURSUANT TO RULE 4:67-2

THIS MATTER being brought before the Court by the law firm Stern, Lavinthal & Frankenberg, LLC, attorneys for plaintiff, Raymond James Bank, N.A., seeking relief by way of summary action to permit the service of remediated Notices of Intention to Foreclose (hereinafter "NOIs"), to the defendant/mortgagor and/or parties obligated on the debt (hereinafter "Foreclosure Defendants") in the pending pre judgment, uncontested foreclosure cases listed on Exhibit A to the Verified Complaint (hereinafter "Remediated NOI List") to include the name and address of the lender and based upon the New Jersey Supreme Court decision in U.S. Bank v. Guillaume, 209 N.J. 449 (2012), and as implemented in Chief Justice Stuart Rabner's April 4, 2012 Order, and based upon the facts as set forth in the Verified Complaint filed herewith; and for good cause shown;

IT IS on this _____ day of _____ , 2014 ORDERED that the parties whose names appear on the Remediated NOI list to the Verified Complaint appear and show Cause on the _____ day of

_____, 2014, before the Paul Innes, P.J.Ch. Mercer County Civil Courthouse 175 S. Broad Street, Trenton, NJ 08650 at ____o'clock to object to this Court's allowing Raymond James Bank, N.A. to issue remediated Notices of Intention to Foreclose pursuant to this Order to Show Cause.

AND IT IS FURTHER ORDERED THAT FOR EACH FORECLOSURE ACTION IN WHICH RAYMOND JAMES BANK, N.A. ISSUES A REMEDIATED NOTICE OF INTENT TO FORECLOSE IN ACCORDANCE WITH THIS ORDER, AS FOLLOWS:

1. Raymond James Bank, N.A. shall issue a letter ("Explanatory Letter") to each such Defendant in the form attached as Exhibit B to the Verified Complaint. The Explanatory Letter will set forth the following:
   a. explain the reason why the remediated Notice of Intention is being served;
   b. explain the procedure to follow in the event a Defendant wishes to object to the NOI;
   c. set forth the borrower name, loan number, plaintiff and docket number for the underlying foreclosure action;
   d. identify a contact for questions in the event that the defendant has any questions;
   e. advise the Defendant of the right to object to the remediated Notice of Intent as well as the right to cure the default within 35 days from the date of the remediated Notice of Intention.
2. Raymond James Bank, N.A. will issue the remediated Notice of Intention to Foreclose in the form attached as Exhibit C as applicable, and shall attach such Notice of Intention to the Explanatory Letter as referenced in paragraph 1 above. The remediated Notice of Intention will exclude attorneys' fees and foreclosure costs that have been incurred in the pending

foreclosure cases. In accordance with the servicing guidelines and as required by N.J.S.A 2A:50-56(c), the Explanatory letter and the remediated Notice of Intent will be sent by or on behalf of Raymond James Bank, N.A..

3. Raymond James Bank, N.A. shall serve the remediated NOI, the Explanatory Letter and a copy of this Order to Show Cause (collectively, the OTSC Package") via certified mail, return receipt requested and regular mail at the last known address of the Foreclosure Defendant. For purposes of this Order to Show Cause, Raymond James Bank, N.A. may serve each marital couple residing at the same address with one OTSC package via certified mail and regular mail. In the event that Raymond James Bank, N.A. has been provided an address for the estate of a deceased Foreclosure Defendant, the OTSC Package shall be mailed to the address of the estate and or the executor/or administrator if known and available. The OTSC Package will be mailed within 45 days of the date of this Order.

4. A copy of Raymond James Bank, N.A.'s complete application to this Court shall be loaded onto the New Jersey Courts website within _____ days of the date of this Order where it will be available for review by the general public at the website link: http://www.judiciary.state.nj.Us. All attachments will be provided in searchable PDF files.

5. In addition to providing service of the OTSC Package by certified and regular mail, Raymond James Bank, N.A. will, within _____ days prior to _____provide

publication notice two (2) times each in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: Star Ledger, Bergen Record, the Press of Atlantic City, and Courier Post. Attached hereto as Exhibit A is a sample notice.

6. Raymond James Bank, N.A. shall file with the Court its proof of service of the OTSC Package on Foreclosure Defendants on the Remediated NOI List in the manner consistent with this Order no later than nine (9) days before the return date.

7. You, the Foreclosure Defendants, have the right to object in this proceeding to this Order to Show Cause the process by which this Court gave Raymond James Bank, N.A. permission to serve the remediated NOI). To do so, you must file a written objection under the docket number listed on the first page of this Order for this case. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's office, Foreclosure Processing Services, Trenton, NJ, at the following address on or before _____:

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

You must also serve a copy of the objection on Raymond James Bank, N.A.' attorney at the following address:

Laura Scurko, Esq.
STERN, LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068

And mail a copy of your objection to the Honorable Paul Innes at the following address:

Hon. Paul Innes,
Chancery Division, General Equity Part
Mercer County Superior Court,
Civil Courthouse, P.O. Box 8068
175 S. Broad Street
Trenton, NJ 08650-0068

8. You, the Defendant also have the right to object to the remediated Notice of Intent to foreclose that you will receive. You will also have 35 days from the date of the remediated Notice of Intent to cure your default. If you object to any of the contents of your remediated Notice of Intent, you must file written objection under the docket number for your foreclosure action. You must set forth with specificity the basis of your objection and file your objection with the Superior Court Clerk's office on or before _____.

at the following address:

Clerk of the Superior Court
Foreclosure Processing Services
25 Market Street
P.O. Box 971
Trenton, New Jersey 08625-0971.

You must also serve a copy of the objection on Raymond James Bank, N.A. attorney at the following address:

Laura Scurko, Esq.
STERN, LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068

And mail a copy of your objection to the Honorable Paul Innes at the following address:

Hon. Paul Innes,
Chancery Division, General Equity Part
Mercer County Superior Court,
Civil Courthouse, P.O. Box 8068
175 S. Broad Street
Trenton, NJ 08650-0068

9. If written objection to this Order to Show Cause is filed, the Raymond James Bank, N.A.' written reply shall be filed and served by _____ 2014. A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy sent directly to the Honorable Hon. Paul Innes, Plaintiff is only required to serve its response upon any party or parties who have filed written objections to this Order to Show Cause.

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 attached to the Remediated NOI. 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. Raymond James Bank, N.A. shall submit to the Court a proposed form of judgment addressing the relief sought on the return date no later than nine (9) days before the return date.

12. The Court will entertain argument but not testimony, on the return date of the Order to Show Cause.

13. In the event a foreclosure action has been suspended or stayed

as a result of a bankruptcy filing or loss mitigation activity, the OTSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the following procedure shall be used. Raymond James Bank, N.A. shall mail the OTSC Package within 45 days of the lifting of the stay or suspension of the foreclosure action. You the Foreclosure Defendant will have 35 days from the date of the remediated Notice of Intention in which to object to the remediated Notice of Intention or cure the default. Any objections to the relief set forth in the Order to Show Cause shall be made in writing to the Court in the County in which your foreclosure action is pending. You must also send a copy of your written papers to Raymond James Bank, N.A.' attorney at the following address:

Laura Scurko, Esq.
STERN, LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068

Or the Court handling your foreclosure action will not be able to consider your objection.

_____
Hon Paul Innes, P.J.Ch.

STERN LAVINTHAL & FRANKENBERG LLC
105 Eisenhower Parkway - Suite 302
Roseland, NJ 07068
(973) 797-1100
Attorneys for Plaintiff

IN RE APPLICATION FOR RAYMOND JAMES BANK, N.A. TO ISSUE CORRECTIVE NOTICES OF INTENTION TO FORECLOSE IN PENDING UNCONTESTED FORECLOSURE ACTIONS

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION

CIVIL ACTION

Docket No: F-47591-13

CERTIFICATION OF COUNSEL

I, Laura Scurko, Esq. of full age, hereby certify as follows:

1. I am an attorney of the State of New Jersey, and an associate in the firm of Stern, Lavinthal & Frankenberg, LLC. I am the attorney with the primary responsibility for the filing of the Verified Complaint and Order to Show Cause in this matter. I make the statements herein based upon personal knowledge. I am authorized to make these statements in support of Plaintiff's Verified Complaint and Order to Show Cause.

2. Should the Court execute the Order to Show Cause in this matter, our office will undertake the publication of a legal notice as required by the Order to Show Cause. A true copy of the proposed form of that Notice is attached hereto as Exhibit A.

3. 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.

Laura Scurko, Esq.

Dated: December 19, 2013

LEGAL NOTICE
Docket No.: F-47591-13
Superior Court of New Jersey
Chancery Division

STATE OF NEW JERSEY TO:

Any defendant in an uncontested residential mortgage foreclosure action in which Raymond James Bank, N.A. holds the loan

WHY RAYMOND JAMES BANK, N.A. IS RUNNING THIS NOTICE. The New Jersey Supreme Court recently held that any Notice of Intent to Foreclosure in New Jersey must strictly comply with the Fair Foreclosure Act. Many Notices of Intent issued in the past did not strictly comply with the Fair Foreclosure Act.

What this Means to you. Raymond James Bank, N.A. has filed a lawsuit with the Court and has requested permission to issue corrected notices of Intent in certain foreclosure actions. The New Jersey court has given Raymond James Bank, N.A. permission to serve corrected Notices on Intent. These corrected Notices of Intent are being sent to certain defendant mortgagors/parties obligated on the debt in pending foreclosure actions being serviced by Investors that were filed before February 28, 2012. You may receive a Notice with copies of the verified complaint and the Order of the Court permitting Raymond James Bank, N.A. to issue the corrected Notices. All of the documents relating to this Raymond James Bank, N.A. Lawsuit will be made available on the New Jersey Courts website at http://www.judiciary.state.nj.us.

Your right to Cure. If you receive a corrected Notice of Intent, you will have an additional 35 days to cure the default on your mortgage that is in foreclosure in New Jersey without being required to pay the plaintiff's court costs and attorney's fees in your foreclosure case. If you fail to cure the default by the date set forth in the corrected Notice of Intent, the pending foreclosure case against you may proceed ahead.

Your Right to object to this Process. You also have the right to file an objection to this process of sending corrected Notices of Intent. Your objection must be in writing and must say specifically what you object to. You must file any such objection on or before _____. You must file and send any objection to

Superior Court Clerk's Office, foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclosure
PO Box 971
Trenton, New Jersey 08625

You must also send copies to Judge Paul Innes, P.J.Ch. Mercer County Civil Courthouse 175 S. Broad Street, Trenton, NJ 08650 and to Laura Scurko, Esq, Stern, Lavinthal and Frankenberg, LLC, 105 Eisenhower Parkway, Suite 302, Roseland, NJ 07068. The Court will conduct a hearing on this matter on _____.

Your right to Object to the Corrected Notice of Intent. You also have the right to object to the specific Notice of Intent that is sent to you. To do so, you must file a written objection on the docket in your individual foreclosure case. You must also serve a copy of that objection on the Plaintiff's attorney in the foreclosure case.

If you have any questions, 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.

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. Stern, Lavinthal & Frankenberg, LLC encourages and supports the equal housing practices of the Fair Housing Act in the conduct of business."

SL&F
Stern, Lavinthal & Frankenberg, LLC
COUNSELLORS AT LAW
105 EISENHOWER PARKWAY, ROSELAND, NEW JERSEY 07068
973-797-1100 – FAX 973-228-2679
December 19, 2013

Via Jefis and NJLS

Hon. Paul Innes, Judge, Chancery Division, General Equity Part
Mercer County Superior Court
Civil Courthouse
P.O. Box 8068
175 S. Broad Street
Trenton, NJ 08650-0068

RE: **IN RE APPLICATION OF RAYMOND JAMES BANK N.A. TO ISSUE CORRECTIVE NOTICES OF INTENTION TO FORECLOSE IN PENDING UNCONTESTED FORECLOSURE ACTIONS**

Docket Number: F-47591-13

Your Honor:

Stern, Lavinthal & Frankenberg, LLC represents Raymond James Bank N.A. in the filing of a Verified Complaint and Order to Show Cause which seeks an Order of the Court permitting it to serve corrected Notices of Intent to Foreclose (hereinafter "NOI") on some of its pending uncontested pre final judgment actions. The pleadings filed herein, are filed pursuant to the decision of the Court in U.S. Bank v. Guillaume,209 N.J. 449 (2012) and the procedure established by the April 4, 2012 Order of Justice Stuart Rabner.

That procedure authorizes the Court to entertain summary actions by Order to Show Cause as to why lenders or servicers who have served deficient NOI's should not be allowed to issue corrected NOI's to the obligor defendants in pre final judgment actions. The Order of April 4, 2012 also requires that a corrected NOI be accompanied by correspondence advising the obligor

defendant of the following information: the reasons why the corrected NOI is necessary; the procedure in place for the filing of an objection to the corrected NOI by the defendant/obligor; the name of a contact who can respond to questions of the Defendant/obligor; a statement that the receipt of the corrected NOI permits the obligor defendant 30 days in which he/she may either cure the default or object to the issuance of the corrected NOI. A form of letter which will explain the procedure in accordance with the April 4, 2012 notice of the Court is attached to the Verified Complaint.

The Guillaume Court established that dismissal was not the sole remedy in the instance of an NOI which was not strictly compliant with the Fair Foreclosure Act. While the deficiencies in some of the NOIs for which Raymond James Bank N.A. is seeking permission to re breach do not involve the naming of the lender and/or servicer as in Guillaume, the deficiencies could be interpreted as preventing the execution of a Certification of Diligent Inquiry. Therefore, Raymond James Bank N.A. is seeking an Order of the Court allowing for the re breaching of these files as well.

Raymond James Bank N.A. is a federally chartered bank which services residential mortgages throughout the country and in New Jersey. Raymond James Bank N.A. currently holds 66 residential mortgage loans in New Jersey, 3 of which are in foreclosure. Two of those loans are the subject of this action. (See Verified Complaint, paragraph 2.).

Raymond James Bank N.A. seeks to diligently work with the borrowers in an effort to resolve the default prior to initiating the foreclosure process. Once efforts to address the default have been exhausted, an NOI is sent to the obligors in accordance with the Fair Foreclosure Act, N.J.S.A. 2A: 50-56. Raymond James Bank N.A. has two matters in which its NOI may not be

strictly compliant with the Fair Foreclosure Act. It is respectfully urged that in each case, the NOI was sufficient to advise the obligors of the gravity of the situation. Raymond James Bank N.A. has revised its NOI to comply with the Court's ruling in the case of U.S. Bank v. Guillaume, 209 N.J. 449 (2012), and to enable counsel to sign a Certification of Diligent Inquiry in accordance with recent revisions to the Rules of Court. (See the Verified Complaint, paragraph 13).

Exhibit C to the Verified Complaint is a copy of the NOI proposed to be utilized by Raymond James Bank N.A., should the Court permit the rebreaching of these accounts. Plaintiff proposes to send the corrective NOI accompanied by an Explanatory Letter, which is attached as Exhibit B to the Verified Complaint. It is respectfully submitted that the proposed NOI complies with the Fair Foreclosure Act, and that the Explanatory Letter is in compliance with the tenets expressed in the April 4, 2012 Order of the Court. It is further respectfully urged that the corrective NOI is not prejudicial to the obligor defendants in that the reinstatement figure incorporated in the NOI will not include any attorney fees and costs which have been incurred in the pending foreclosure action. (See Verified Complaint, paragraph 13).

It is respectfully urged that this Court grant the relief sought and that it order that if the Defendant Obligors fail to cure the default or object in a timely manner to the service of the remediated NOI, that the cases should be permitted to proceed to Final Judgment as an uncontested matters.

Respectfully submitted,
STERN, LAVINTHAL, & FRANKENBERG, LLC

Laura Scurko, Esq.

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