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Filed Jan 02, 2014
Paul Innes, P.J.Ch

**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 2nd day of January, 2014

ORDERED that the parties whose names appear on the Remediated NOI list to the Verified Complaint appear and show Cause on the 20th day of

March, 2014, before the Paul Innes, P.J.Ch. Mercer County Civil Courthouse 175 S. Broad Street, Trenton, NJ 08650 at 11:00 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 14 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 3 days prior to February 5, 2014 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 February 26, 2014 :

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 February 26, 2014. 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

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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 March 12, 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.