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Attorneys for PNC Mortgage, a division of PNC Bank, National  
Association

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IN RE NOTICES OF INTENTION TO  
FORECLOSE SERVED BY PNC  
MORTGAGE, A DIVISION OF PNC  
BANK, National Association

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION

Civil Action **F -047682-13**

Docket No:

**VERIFIED COMPLAINT**

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Petitioner, PNC Mortgage, a division of PNC Bank, National Association, through its attorneys, Zucker, Goldberg & Ackerman, LLC, by way of Verified Complaint, hereby says as follows:

**FACTS:**

1. PNC Bank, National Association (hereinafter "PNC") is engaged in retail banking, corporate and institutional banking, asset management, and residential mortgage banking, including mortgage servicing. Nationally, and in New Jersey, PNC services loans through Petitioner PNC Mortgage, a division of PNC Bank.

2. PNC Mortgage services primarily residential mortgage loans.<sup>1</sup>

3. As a servicer, PNC Mortgage is responsible for collecting the monthly mortgage payment; maintaining the books and records of each mortgage loan; ensuring that there is adequate insurance coverage for the property; ensuring that the real estate taxes and other potential liens are paid. In other words, PNC Mortgage is the face of the loan for the borrower and the entity to which the borrower interacts with for any issues regarding the loan.

4. When a loan is delinquent, foreclosure is always the last resort. If the default is not resolved, then PNC Mortgage sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Act, giving the borrower at least thirty days to cure the default and reinstate the loan. If the default is not cured or other arrangements made to resolve the default, after the NOI expires, the loan is referred to local foreclosure counsel to initiate foreclosure.

5. 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), requiring strict compliance with the requirements of the Fair Foreclosure Act, including

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<sup>1</sup> PNC may also appear as plaintiff in foreclosure proceedings in its capacity as a trustee for owners of securitized loans. Where PNC is only the trustee and not the servicer, PNC plays no role in the servicing of the loan. This application to the Court does not include cases in which PNC acts only as a trustee.

identification of the name and address of the lender rather than the servicer contact information alone.

6. PNC Mortgage has completed a revision to its form NOI to add the name and address of the lender in addition to the servicer.

7. Attached as Exhibit "1" to the Certification of Anita Holbrook is a true and accurate copy of the merge form NOI that PNC Mortgage intends to utilize and should the Court so order, the merge form that Plaintiff would use to re-send NOIs to all borrowers affected by the outcome of this Order to Show Cause.<sup>2</sup>

8. Subsequent to the Guillaume opinion, Chief Justice Stuart Rabner issued an Order on April 4, 2012, in furtherance of the Supreme Court's holding in U.S. Bank National Association v. Guillaume, authorizing the Honorable Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage and the Honorable Paul Innes, P.J.Ch., Mercer Vicinage to entertain summary actions by Order to Show Cause as to why plaintiffs in uncontested pre-judgment residential foreclosure matters should not be allowed to re-serve corrected NOIs.

**COUNT I: PNC Mortgage**

9. Plaintiff hereby incorporates by reference Paragraphs 1 through 8 as if set forth herein.

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<sup>2</sup> The form of NOI will also be used to correct cases in which the holder of the mortgage was not correctly identified in the original NOI.

10. Attached as Exhibit "A"<sup>3</sup> is a list of uncontested residential foreclosure actions where PNC Mortgage is the plaintiff and PNC requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "A" of this Verified Complaint where PNC Mortgage is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT II: Columbia Savings Bank**

11. Plaintiff hereby incorporates by reference Paragraphs 1 through 10 as if set forth herein.

12. Attached as Exhibit "B" is a list of uncontested residential foreclosure actions where Columbia Savings Bank is the plaintiff and PNC Mortgage requests relief from this Court

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<sup>3</sup> Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the foreclosure plaintiff initially identified in the caption may not be the current entity that will be listed in the corrected NOI. For the sake of clarity, the corrected NOI will list the current lender and the lender's address.

to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "B" of this Verified Complaint where Columbia Savings Bank is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT III: Commonwealth United Mortgage**

13. Plaintiff hereby incorporates by reference Paragraphs 1 through 12 as if set forth herein.

14. Attached as Exhibit "C" is a list of uncontested residential foreclosure actions where Commonwealth United Mortgage is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;

- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "C" of this Verified Complaint where Commonwealth United Mortgage is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT IV: Deutsche Bank Trust Company**

15. Plaintiff hereby incorporates by reference Paragraphs 1 through 14 as if set forth herein.

16. Attached as Exhibit "D" is a list of uncontested residential foreclosure actions where Deutsche Bank Trust Company is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "D" of this Verified Complaint where Deutsche Bank Trust Company is the plaintiff; and

(c) Any further relief the Court deems equitable and just.

**COUNT V: HSBC Bank, USA as Trustee**

17. Plaintiff hereby incorporates by reference Paragraphs 1 through 16 as if set forth herein.

18. Attached as Exhibit "E" is a list of uncontested residential foreclosure actions where HSBC Bank, USA as Trustee is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "E" of this Verified Complaint where HSBC Bank, USA as Trustee is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT VI: Citibank, NA as Trustee**

19. Plaintiff hereby incorporates by reference Paragraphs 1 through 18 as if set forth herein.

20. Attached as Exhibit "F" is a list of uncontested residential foreclosure actions where Citibank, NA as Trustee is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "F" of this Verified Complaint where Citibank, NA as Trustee is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT VII: National City**

21. Plaintiff hereby incorporates by reference Paragraphs 1 through 20 as if set forth herein.

22. Attached as Exhibit "G" is a list of uncontested residential foreclosure actions where National City is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "G" of this Verified Complaint where National City is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT VIII: National City Real Estate Services**

23. Plaintiff hereby incorporates by reference Paragraphs 1 through 22 as if set forth herein.

24. Attached as Exhibit "H" is a list of uncontested residential foreclosure actions where National City Real Estate Services is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "H" of this Verified Complaint where Residenti National City Real Estate Services is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

**COUNT IX: The Bank of New York Mellon Trust Company**

25. Plaintiff hereby incorporates by reference Paragraphs 1 through 24 as if set forth herein.

26. Attached as Exhibit "I" is a list of uncontested residential foreclosure actions where The Bank of New York Mellon Trust Company is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita

Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "I" of this Verified Complaint where The Bank of New York Mellon Trust Company is the plaintiff; and

- (c) Any further relief the Court deems equitable and just.

**COUNT X: U.S. Bank**

27. Plaintiff hereby incorporates by reference Paragraphs 1 through 26 as if set forth herein.

28. Attached as Exhibit "J" is a list of uncontested residential foreclosure actions where U.S. Bank is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "J" of this Verified Complaint where U.S. Bank is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT XI: Wachovia Bank, N.A.

29. Plaintiff hereby incorporates by reference Paragraphs 1 through 28 as if set forth herein.

30. Attached as Exhibit "K" is a list of uncontested residential foreclosure actions where Wachovia Bank, N.A. is the plaintiff and PNC Mortgage requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, PNC Mortgage respectfully request judgment:

- (a) Deeming the merge form Notice of Intention to Foreclose attached as Exhibit "1" to the Certification of Anita Holbrook compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Plaintiff to serve new Notice of Intentions to Foreclose, in accordance with the merge form attached as Exhibit "1" to the Certification of Anita Holbrook, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit "K" of this Verified Complaint where Wachovia Bank, N.A. is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

Zucker, Goldberg & Ackerman, LLC  
Attorneys for Petitioner,  
PNC Mortgage, a division of PNC Bank,  
National Association

By:

  
\_\_\_\_\_  
Brian C. Nicholas, Esq.

DATED:

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 proceeded contemplated, other than the pending foreclosure actions on Exhibits A through ~~U~~ 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.

  
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Brian C. Nicholas, Esq.

Dated:

VERIFICATION

I, Anita Holbrook, of full age certify as follows:

1. I am a Vice President of PNC Bank, National and Association and the executive of PNC responsible for Late Stage Default Operations for PNC Mortgage, a division of PNC Bank, National Association

2. 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.

3. I 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.

  
Anita Holbrook

DATED: 12/18/2013

# Exhibit “A”

## EX A - PNC Mortgage

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
Donna Streahele & Henry Streahele	F-35181-10	PNC Mortgage, a division of PNC Bank National Association	CUMBERLAND	A	1
SANTIAGO	F-037852-10	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	PASSAIC	A	1
HENKEL	F-046483-10	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	BURLINGTON	A	1
URIBE	F-042149-10	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	MIDDLESEX	A	1
ORTIZ/SANTOS	F-053926-10	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	MIDDLESEX	A	1
STRICKLAND	F-046859-10	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	SALEM	A	1
LORD, KELLY	F-16115-10	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	GLOUCESTER	A	1
JONES, SHERRON	F-002627-12	PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION	ESSEX	A	1
BLEEZAROE, ALLYSON	F-10397-10	PNC Mortgage, a Division of PNC Bank NA	SUSSEX	A	1

# Exhibit “B”

EX B - Columbia Savings Bank

<b>BORROWER</b>	<b>DOCKET NO.</b>	<b>PLAINTIFF</b>	<b>COUNTY</b>	<b>Exhibit</b>	<b>Count</b>
NEVILLE, DAVID	F-50660-09	COLUMBIA SAVINGS BANK	BURLINGTON	B	2

# Exhibit “C”

EX C - Commonwealth United Mortgage

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
ALMONTE, WILFREDO	F-18665-09	Commonwealth United Mortgage, a division of National City Bank of Indiana nka National City Bank	PASSAIC	C	3

# Exhibit “D”

EX D - Deutsche Bank

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
STEELE, JOHN	F-4124-09	Deutsche Bank Trust Company Americas, as Trustee Residential Funding Company, LLC fka Reside	OCEAN	D	4
OPARA, STELLA	F-4155-09	Deutsche Bank Trust Company Americas as Trustee Residential Funding Company, LLC FKA Reside	MIDDLESEX	D	4
HOCHSTADT, ELAINE	F-40024-09	Deutsche Bank Trust Company Americas as Trustee Residential Funding Company, LLC fka Reside	MONMOUTH	D	4
CONTRINO, GEORGE	F-40198-09	Deutsche Bank Trust Company Americas as Trustee	OCEAN	D	4
BRITO, VICTOR	F-62240-09	Deutsche Bank Trust Company Americas as Trustee Residential Funding Company, LLC FKA Reside	HUNTERDON	D	4
ZIEGLER, SUSAN	F-036013-10	Deutsche Bank Trust Company Americas as Trustee for RALI 2007Q59	ESSEX	D	4

# Exhibit “E”

EX E - HSBC Bank as Trustee

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
TAIRI, ELIZABETH	F-21359-10	HSBC Bank USA as Trustee for the series Deutsche ALT 2007-1	PASSAIC	E	5

# Exhibit “F”

EX F - Citibank, N.A. as Trustee

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
ISO, STEVEN	F-35982-09	Citibank N.A. as Trustee for BSAAT 2007-1	MIDDLESEX	F	6

# Exhibit “G”

EX G - National City

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
ROMERO, MARIA	F-39755-08	National City Bank	BERGEN	G	7
MICHEL, LOUISE	F-5150-09	National City Bank	MERCER	G	7
SUTTON, JUDITH	F-13316-09	National City Mortgage Co., a subsidiary of National City Bank	SOMERSET	G	7
BARRERA, LEONOR	F-38069-09	National City Mortgage Co.	HUDSON	G	7
SERENA, DAVID	F-36345-09	National City Bank	SUSSEX	G	7
BAUBLIS, SHARON	F-35659-09	National City Mortgage Co dba Commonwealth United Mortgage Company	OCEAN	G	7
LOPEZ, MARISOL	F-38010-09	National City Mortgage Co dba Commonwealth United Mortgage Company	OCEAN	G	7

# Exhibit “H”

EX H - National City Real Estate Services

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
LEK	F-050220-09	NATIONAL CITY REAL ESTATE SERVICES, LLC (SBM) SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE INC. (FKA) FORMERLY KNOWN AS NATIONAL CITY MORTGAGE CO.	CAMDEN	H	8
MONTANO, LISA	F-26325-09	National City Real Estate Services, LLC (sbm) successor by merger to National City Mortgage Inc. (	HUNTERDON	H	6

# Exhibit “I”

EX 1 - Bank of New York Mellon

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
ACOSTA, ANGEL	F-49527-09	The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Tru	UNION	1	9

# Exhibit “J”

EX J - US Bank

BORROWER	DOCKET NO.	PLAINTIFF	COUNTY	Exhibit	Count
SACASARI, MARIA	F-19537-10	U.S. Bank Corporate trust as custodian/trustee	MERCLR	J	10

# Exhibit “K”

## EX K - WACHOVIA

<b>BORROWER</b>	<b>DOCKET NO.</b>	<b>PLAINTIFF</b>	<b>COUNTY</b>	<b>Exhibit</b>	<b>Count</b>
RULAND, PATRICIA	F-44253-09	Wachovia Bank, N.A	MONMOUTH	K	11
VINS, RAYMOND	F-18224-10	Wachovia Bank National Association	CAMDEN	K	11







