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IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY PNC Mortgage, a Division of PNC Bank, N.A.	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION Civil Action Docket No: F-47682-13 **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, PNC Mortgage, a Division of PNC Bank, NA, 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 December 19, 2013, Certification of Anita Holbrook, Certification of Brian C. Nicholas, Esq., the arguments of counsel and all other documents submitted; and

WHEREAS the Court determined that this matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2 and the Honorable Paul Innes,

P.J.Ch. having entered an Order to Show Cause on January 2, 2014 setting a return date of March 20, 2014; and

WHEREAS the Order to Show Cause directed all borrowers listed on the Exhibits to the Verified Complaint to appear and show cause why the Court should not allow PNC Mortgage to send new Notices of Intention to Foreclose; and

WHEREAS the Order to Show Cause and supporting in 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 PNC's records and the address where service of process of the underlying foreclosure was effectuated, if different; and

WHEREAS 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;

WHEREAS 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;

WHEREAS 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

WHEREAS the only individuals who have submitted papers in response to this matter by the deadline to object are:

- George Contrino

WHEREAS the Court has read all papers submitted and conducted oral argument in regard to this Order to Show Cause; and for good cause having been shown,

IT IS on this _____ day of March, 2014,

ORDERED that all objections to the Order to Show Cause are hereby overruled for the reasons set forth on the record on March 20, 2014; and

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

IT IS FURTHER ORDERED that since more than thirty days have elapsed since the service of the new Notices of Intention to Foreclose, PNC may resume any foreclosure where the borrower has not reinstated the loan; and

IT IS FURTHER ORDERED that pursuant to Chief Justice Stuart Rabner's April 4, 2012 Order, the steps taken in this matter must be set forth in specificity by the foreclosure attorney for

PNC in the next Certification of Diligent Inquiry filed. The foreclosure attorney may utilize the following language which shall satisfy the requirements of the Chief Justice's Order:

> This matter was included in the Order to Show Cause filed by PNC Mortgage on December 19, 2013, pursuant to Chief Justice Rabner's April 4, 2012 Order establishing an Order to Show Cause Process to remediate deficient Notices of Intention to Foreclose on pre-final judgment foreclosures. The OSC bears the Docket Number F-47682-13. Pursuant to the OSC, PNC sent a new NOI to all borrowers obligated on the debt in this matter. More than thirty days have elapsed and the borrower(s) have failed to reinstate the loan. On <INSERT DATE>, the Honorable Paul Innes, P.J.Ch. entered a Final Order in the OSC deeming the provisions of the Fair Foreclosure Act to have been complied with and this matter is permitted to proceed forward.

IT IS FURTHER ORDERED that the Office of Foreclosure shall process and enter final judgment on any foreclosure that was subject to this Order to Show Cause, notwithstanding the above language being in the Certification of Diligent Inquiry; and

IT IS FURTHER ORDERED that and applications for final judgment that were pending for loans subject to this Order to Show Cause that were filed prior to the OSC, shall be withdrawn by Petitioner and a new application for final judgment filed; and

IT IS FURTHER ORDERED that Petitioner shall submit a spreadsheet to the Superior Court Clerk's Office listing any final judgment applications that are being withdrawn pursuant to this Order; and

IT IS FURTHER ORDERED that for any foreclosure that was not included in this Order to Show Cause or for any matter where the borrower(s) were included but not served because of the Automatic Stay of the United States Bankruptcy Code was in effect, PNC may file a motion in the vicinage where the property is located seeking permission to send a new Notice of Intention that is in the format specified in the Exhibits to the Order to Show Cause. PNC shall also serve a modified cover letter, the format of which shall be included as an exhibit to the motion seeking permission to serve the new Notice of Intention to Foreclose.

IT IS FURTHER ORDERD that a copy of this Final Order shall be posted on the Judiciary Web Page at http://www.judiciary.state.nj.us.

IT IS FURTHER ORDERED that within seven days, Petitioner shall serve a copy of this Order, by regular mail, upon any party that has appeared in the case and the individuals that are now excluded.

_____

Hon. Paul Innes, P.J.Ch.