

**GREENBERG TRAUIG LLP**

Ian S. Marx, Esq.  
200 Park Avenue  
P.O. Box 677  
Florham Park, NJ 07932  
973-360-7900 (telephone)  
973-301-8410 (facsimile)

Attorneys for Beneficial Financial I, Inc., *et al.*

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IN RE APPLICATION BY  
BENEFICIAL FINANCIAL I, INC.,  
ET AL., TO ISSUE CORRECTED  
NOTICE OF INTENT TO  
FORECLOSE ON BEHALF OF  
IDENTIFIED FORECLOSURE  
PLAINTIFFS IN UNCONTESTED  
CASES

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) **SUPERIOR COURT OF NEW JERSEY**  
) **CHANCERY DIVISION**  
) **PASSAIC COUNTY**

) **DOCKET NO. F-48972-13**

) **CIVIL ACTION**

) **ORDER TO SHOW CAUSE**  
)  
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**THIS MATTER** being brought before the Court by Greenberg Traurig, LLP, attorneys for Beneficial Financial I, Inc., Beneficial Mortgage Corporation, and Household Finance Corporation III (collectively, "HSBC"), authorized to act on behalf of Foreclosure Plaintiffs in pending foreclosure cases in New Jersey, seeking relief by way of summary action for an Order permitting HSBC to issue corrected Notices of Intention to Foreclose ("NOI") to the defendant mortgagor and/or parties obligated on the debt ("Foreclosure Defendants") in the pending, pre-judgment, uncontested foreclosure cases listed on Exhibits A-1 through A-4 to the Verified Amended Complaint ("Corrected NOI List"), and based upon the New Jersey Supreme Court's decision in US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the implementing Order of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

It is on this 7<sup>th</sup> day of May, 2014, **ORDERED** that the Foreclosure Defendants whose names appear on the Corrected NOI List may appear before the Superior Court at the Passaic County Courthouse, 71 Hamilton Street, First Floor, Paterson, New Jersey at 11 o'clock in the fore noon or as soon thereafter as counsel can be heard, on the 10<sup>th</sup> day of September, 2014 to object to this Court's Order allowing HSBC to issue corrected NOIs pursuant to this Order to Show Cause.

**AND IT IS FURTHER ORDERED THAT FOR EACH FORELCOSURE ACTION IN WHICH HSBC ISSUES A CORRECTED NOI TO A FORECLOSURE DEFENDANT:**

1. HSBC will issue a letter ("Explanatory Letter") to each Foreclosure Defendant in the form attached as Exhibit B to the Verified Amended Complaint. The Explanatory Letter will explain:

- the reasons why the corrected NOI is being served;
- the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI;
- the individuals to contact with any questions; and
- the right to object to the corrected NOI or the right to cure the default within 35 days of the date of the corrected NOI.

2. HSBC will issue a corrected NOI in the form attached as Exhibit C to the Verified Amended Complaint and shall attach such NOI to the Explanatory Letter referenced in paragraph 1 above. The corrected NOI 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(e), the Explanatory Letter and corrected NOI will be sent by HSBC, the servicing agent.

3. HSBC will serve the corrected NOI, the Explanatory Letter, Verified Amended Complaint without exhibits and a copy of this Order to Show Cause (collectively, the “OSC Package”), via certified mail, return receipt requested and regular mail at the last known address of the Foreclosure Defendant within 45 days from the date of this Order. For purposes of this Order to Show Cause, HSBC may serve each marital couple residing at the same address with one OSC Package via certified mail and regular mail.<sup>1</sup>

4. A copy of HSBC’s complete application to this Court shall be loaded onto the New Jersey Courts website within 5 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/>.

5. In addition to providing service of the OSC Package by certified and regular mail, HSBC will, within 90 days of the date of this Order, provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: The Star-Ledger, The (Bergen) Record, The Press of Atlantic City, and Gloucester County Times. Attached hereto as Exhibit A is a sample publication notice.

6. HSBC shall file proof of service of the OSC Package on Foreclosure Defendants on the Corrected NOI List in the manner consistent with this Order with the Clerk of the Superior Court no later than nine (9) days before the return date of this matter.

7. You [Foreclosure Defendants] have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave HSBC permission to serve the corrected 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

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<sup>1</sup> In the event HSBC has been provided an address for the estate of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator, if known and available.

objection and file your objection with the Superior Court Clerk's Office at the following address by August 20, 2014:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention to Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of the objection on HSBC's attorney, Ian S. Marx of Greenberg Traurig, LLP at 200 Park Avenue, Florham Park, New Jersey 07932, and mail a copy of your objection to Judge McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, 71 Hamilton Street, First Floor, Paterson, New Jersey 07505.

8. You [Foreclosure Defendants] also have the right to object to the corrected NOI that you will receive. You will also have 35 days from service of the OSC Package to cure your default. If you object to any of the contents of your corrected NOI, you must file a written objection under the docket number for your foreclosure action. 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 Amended Complaint or by calling the HSBC representative listed on the Explanatory Letter that will be sent with the corrected NOI. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address by August 20, 2014:

Superior Court Clerk's Office, Foreclosure Processing Services  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of the objection on HSBC's attorney, Ian S. Marx of Greenberg Traurig, LLP at 200 Park Avenue, Florham Park, New Jersey 07932, and mail a copy of your

objection to Judge McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, 71 Hamilton Street, First Floor, Paterson, New Jersey 07505.

9. If written objection to this Order to Show Cause is filed, HSBC's written reply shall be filed and served by August 30, 2014. A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy directly to the Honorable Margaret Mary McVeigh, P.J.Ch. HSBC is only required to serve its reply 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 provided with the corrected NOI.

11. HSBC shall submit to the Court an original and two copies of a proposed form of judgment addressing the relief sought on the date this matter is scheduled to be heard no later than 9 days before the date this matter is scheduled to be heard.

12. If no party in interest timely files and serves an objection to this Order to Show Cause as provided for above, the application may be decided by the Court on the date this matter is scheduled to be heard, provided that HSBC has filed a proof of service and a proposed form of judgment as required by this Order to Show Cause.

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

14. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the OSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the following procedure shall be used: HSBC shall mail the OSC Package within 45 days of the lifting of the stay or suspension of the foreclosure action. You [Foreclosure Defendants] will have 35 days in which to object to the

corrected NOI or 35 days from service of the OSC Package to cure your default. Any objections to the relief set forth in this 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 HSBC's attorneys, Ian S. Marx of Greenberg Traurig, LLP at 200 Park Avenue, Florham Park, New Jersey 07932, or the Court handling your foreclosure action will not be able to consider your objection.

  
J.S.C.

[HSBC Entity Letterhead]

[Date]

[Defendant Name(s)]

[Defendant Address]

[Defendant City, State ZIP]

Re: Order to Show Cause – *In re Application by Beneficial Financial I, Inc., et al.*, Superior Court of New Jersey, Chancery Division, Passaic County, Docket No.: F-048972-13  
Loan Number: [Loan Number]  
Plaintiff Name in Foreclosure Action: [Plaintiff Name in Foreclosure Action]  
Docket Number in Foreclosure Action: [Docket Number in Foreclosure Action]

Dear [Defendant Name(s)]:

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 notice requirements for all Notices of Intention to Foreclose.

**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 did not comply with the requirements of the Fair Foreclosure Act.

By the court's Order to Show Cause dated \_\_\_\_\_, 2014, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, Hon. Mary Margaret McVeigh, P.J.Ch., Passaic Vicinage, gave permission to Beneficial Financial I, Inc., Beneficial Mortgage Corporation, and Household Finance Corporation III (collectively, "HSBC") to serve, along with the Order to Show Cause and verified complaint, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012.

**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 the following lenders in the following counts:

- Count One – Beneficial Financial I, Inc.
- Count Two – Beneficial Mortgage Corporation
- Count Three – Household Finance Corporation III
- Count Four – Pending Bankruptcy Matters

The attachments to the verified complaint, which lists the foreclosure actions in which the above-named lenders are the plaintiffs, will be made available on the New Jersey Courts' 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 Courts' website on the attached exhibits to the verified complaint by entering your name into the automatic search on the website. If you do not have access to a computer or have trouble locating that information on the Courts' website, you can contact a representative from HSBC at [*telephone number*] who can assist you with locating the information about your foreclosure action.

### **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 35 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' 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 HSBC at [*telephone 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 to 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 within 30 days:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention to Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

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

Ian S. Marx  
Greenberg Traurig, LLP

200 Park Avenue  
Florham Park, NJ 07932

and mail a copy of the objection to Judge McVeigh at:

The Honorable Mary Margaret McVeigh, P.J. Ch.  
Superior Court of New Jersey  
Passaic County Courthouse  
71 Hamilton Street, First Floor  
Paterson, New Jersey 07505.

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 on your objection.

#### **Questions about Filing an Objection**

Should you have questions related to the procedure for filing an objection, 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 [PublicAccess.Mailbox@judiciary.state.nj.us](mailto:PublicAccess.Mailbox@judiciary.state.nj.us).