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SEP 03 2013

IN RE APPLICATION OF FIDELITY  
BANK TO ISSUE CORRECTIVE  
NOTICES OF INTENTION TO  
FORECLOSE IN PENDING  
UNCONTESTED FORECLOSURE  
ACTIONS

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION

*Sue Regan*  
**SUE REGAN**  
DEPUTY CLERK OF SUPERIOR COURT

Civil Action

Docket No: F-17209-13

**FINAL ORDER**

**THIS MATTER** being brought before the court by Laura Scurko, Esq. of the law firm Stern, Laventhal & Frankenberg, L.L.C., attorneys for petitioner, Fidelity Bank, 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 May 22, 2013, Certification of Laura Scurko, Esq., the arguments of counsel and all other documents submitted; and the Court having made the following findings of fact and conclusions of law:

A. This matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, as authorized by Chief Justice Rabner's April 4, 2012 Order, and the Honorable Paul Innes, P.J.Ch. having entered an Order to Show Cause on June 3, 2013 setting a return date of August 15, 2013 and

B. The Order to Show Cause directed all borrowers listed on Exhibit A to the Verified Complaint to appear and show cause why the Court should not allow Fidelity Bank to send new Notices of Intention to Foreclose; and

C. One of the cases listed on Exhibit A should not be included in the Order to Show Cause due to the imposition of the Bankruptcy stay;

D. The Order to Show Cause and supporting documents were served by Petitioner on each borrower by regular and certified mail, return receipt requested, at the property address, last known address in Fidelity Bank's records and the address where service of process of the underlying foreclosure was effectuated, if different; and

E. One of the documents served on each borrower was a new Notice of Intention to Foreclose;

F. Notice of this Order to Show Cause was published two times in the Star Ledger, the Bergen Record and the South Jersey Times (formerly known as the Gloucester County Times) and The Press of Atlantic City pursuant to the Order to Show Cause;

G. And no objections to the relief having been filed;

**THEREFORE, IT IS** on this 3<sup>rd</sup> day of September ~~August~~ 2013, **ORDERED** as

follows:

1. The following foreclosure action is hereby excluded and removed from the Corrected NOI list and this Order to Show Cause:

CAMDEN	F-043236-10	WANDER, TIMOTHY J
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2. Fidelity Bank's request to send new Notices of Intention to Foreclose on the remaining pre-final judgment foreclose matters listed in Exhibit A to the Verified Complaint is hereby GRANTED;

3. Since more than thirty days has elapsed since the service of the new Notices of Intention to foreclose, Fidelity Bank may resume any foreclosure where the borrower has not

reinstated the loan; and

4. The Office of Foreclosure is authorized to process and recommend entry of final judgment, upon the submission of an appropriate application to enter judgment, on any foreclosure that was subject to this Order to Show Cause; Any previously filed motions for the entry of Final Judgment that are pending review by the Office of Foreclosure are to be withdrawn and a spreadsheet is to be submitted to the Superior Court Clerk's Office listing the cases in which motions for the entry of Final Judgment are being withdrawn. Complete/updated motions for the entry of Final Judgment (including CODI's) are to be filed on notice to the Foreclosure Defendants once the withdrawals are complete; and

5. A copy of this Final Order shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>.

6. Within seven days, Petitioner shall serve a copy of this Order, by regular and Certified mail upon any foreclosure Defendant who was served with the Order to Show Cause Package;

A handwritten signature in black ink, appearing to read "Paul Innes", written over a horizontal line.

Honorable Paul Innes, P. Ch.