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**FORECLOSURE
CASE INFORMATION STATEMENT
(FCIS)**

Use for initial Chancery Division — General Equity
foreclosure pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c),
if information is not furnished or if attorney's signature
is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

SUPERIOR COURT CLERK'S OFFICE CG CA MO

RECEIPT NO. _____

AMOUNT: _____

OVERPAYMENT: _____

BATCH NUMBER: _____

BATCH DATE: _____

SECTION A: TO BE COMPLETED BY ALL PARTIES

CAPTION CITIBANK N.A, CITIMORTGAGE VS HIYAM ABUHAMOUD		COUNTY OF VENUE Passaic
		DOCKET NUMBER (when available) F-17318-13
NAME(S) OF FILING PARTY(IES) (e.g. John Doe, Plaintiff) HIYAM ABUHAMOUD, DEFENDANT		DOCUMENT TYPE <input type="checkbox"/> COMPLAINT <input checked="" type="checkbox"/> ANSWER <input type="checkbox"/> OTHER
ATTORNEY NAME (IF APPLICABLE)	FIRM NAME (IF APPLICABLE)	
MAILING ADDRESS 80 DEVON ROAD COLONIA N.J. 07067		DAYTIME TELEPHONE NUMBER (732) 943-2946

SECTION B: TO BE COMPLETED BY PLAINTIFF TO INITIAL COMPLAINT

<p>FORECLOSURE CASE TYPE NUMBER</p> <p><input type="checkbox"/> 088 IN PERSONAM TAX FORECLOSURE</p> <p><input type="checkbox"/> 089 IN REM TAX FORECLOSURE</p> <p><input type="checkbox"/> 0RF RESIDENTIAL MORTGAGE FORECLOSURE</p> <p><input type="checkbox"/> 0CF COMMERCIAL MORTGAGE FORECLOSURE</p> <p><input type="checkbox"/> 0CD CONDOMINIUM OR HOMEOWNER'S ASSOCIATION LIEN FORECLOSURE</p> <p><input type="checkbox"/> 091 STRICT FORECLOSURE</p> <p><input type="checkbox"/> 0FP OPTIONAL FORECLOSURE PROCEDURE (NO SALE)</p> <p><input type="checkbox"/> 0TS TIME SHARE FORECLOSURE</p>	<p>IS THIS A HIGH RISK MORTGAGE PURSUANT TO P.L.2009,C.84 AND P.L.2008,C.127 <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>PURCHASE MONEY MORTGAGE <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>RELATED PENDING CASE <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, LIST DOCKET NUMBERS:</p>
FULL PHYSICAL STREET ADDRESS OF PROPERTY:	MUNICIPALITY CODE (*)
ZIP CODE	MUNICIPAL BLOCK:
COUNTY:	(LOTS)

ALL FILING PARTIES MUST SIGN AND PRINT NAMES(S) AND DATE THE FORM BELOW

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

ATTORNEY / SELF REPRESENTED SIGNATURE 	PRINT ATTORNEY / SELF REPRESENTED NAME Hiyam Abuhamoud	DATE 8/16/13
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*The Municipality Codes can be found at http://www.judiciary.state.nj.us/forms/11343_municodes.pdf

NAME: HIYAM ABUHAMOUD
ADDRESS: 80 DEVON ROAD COLONIA N.J. 07067
TELEPHONE: 732-943-2946
Defendant Pro Se

CITIBANK N.A., CITIMORTGAGE INC
Plaintiff,
vs.
HIYAM ABUHAMOUD
Defendant,
: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION
: PASSAIC COUNTY
: DOCKET NO. F-17318-13
: Civil Action

CONTESTING ANSWER

Defendant by way of Answer to the Complaint in Foreclosure says:

AS TO THE FIRST COUNT:

Defendant admits the allegations in the following paragraphs of the first count of the complaint: ONE, except that defendant *denies* the following *parts* of these allegations: THE NECESSARY FORECLOSURE PROCEDURES WERE NOT FOLLOWED.

Defendant denies the allegations in the following paragraphs of the first count of the complaint: TWO.

Defendant does not have enough knowledge or information to answer the following

paragraphs of the second count of the complaint: THREE AND FOUR

DEFENSES

**FIRST SEPARATE DEFENSE
(Fair Foreclosure Act)**

1. Plaintiff's Complaint seeks to foreclose upon a "residential mortgage" as defined by the New Jersey Fair Foreclosure Act, N.J.S.A. 2A:50-53 *et. seq.*, and therefore Defendant is entitled to the protections and requirements set forth in the Fair Foreclosure Act.

2. Plaintiff failed to comply with the Fair Foreclosure Act in some or all of the following ways:

(a) Plaintiff failed to serve Defendant with a proper Notice of Intent to Foreclose, by registered or certified mail, return receipt requested at least thirty (30) days in advance of the filing of the Complaint; and/or

(b) To the extent that a Notice of Intent to Foreclose was served upon Defendants, that Notice did not comply with the requirements of the Fair Foreclosure Act as enumerated in N.J.S.A. 2A:50-56(c).

3. Based on the foregoing, the court lacks subject matter jurisdiction to hear Plaintiff's Complaint for Foreclosure.

WHEREFORE, Defendant demands judgment dismissing the Complaint without prejudice for lack of subject matter jurisdiction and/or failure to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

The Plaintiff's claim is barred because any alleged loss to the Plaintiff is caused by its own negligence, or the negligence of third parties over which the Defendant has no control.

THIRD SEPARATE DEFENSE

The Plaintiff's claim is barred because any alleged loss to the Plaintiff is caused by its own negligence, or the negligence of third parties over which the Defendant has no control.

FOURTH SEPARATE DEFENSE

The Plaintiff's claim is barred because of the doctrine of unclean hands.

FIVE SEPARATE DEFENSE

The Plaintiff's claim is barred because of the Plaintiff's failure to add indispensable parties.

SIX SEPARATE DEFENSE

The Plaintiff's claim is barred because the Plaintiff lacks standing and/or is not a real party in interest.

SEVEN SEPARATE DEFENSE

The Plaintiff's claim is barred because of the Entire Controversy Doctrine.

EIGHT SEPARATE DEFENSE

Defendant contests the amount Plaintiff claims is due for any or all of the following reasons:

1. interest was not calculated in the manner prescribed by the note;
2. the amount claimed due does not account for payments made by Defendant;
3. the amount claimed due includes unreasonable and excessive fees not permitted by the note and/or not actually incurred by the Plaintiff.

CERTIFICATION PURSUANT TO RULE 4:5-1

The undersigned does hereby certify that the matter in controversy is not the subject of any other pending lawsuits, proceedings or arbitrations in existence or currently contemplated of which I am aware.

SERVICE UPON ATTORNEY GENERAL

Service of a copy of the Answer, Defenses, and Counterclaims in this matter is being made upon the Attorney General of the State of New Jersey, pursuant to the Consumer Fraud Act for the purpose of encouraging intervention, by mailing a copy of said complaint to Anne Milgram, Attorney General, Office of the Attorney General, Hughes Justice Complex, P.O. Box 080, 25 West Market Street, Trenton, NJ 08625-0080.

Dated: 8/16/13
(Date on which defendant signs this document)

By: 
(Defendant's signature) Defendant *Pro Se*
Hiyam Abuharoud
(Defendant's name printed)