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N.J. Bar.

N.Y. Bar.

August 19, 2013.

**Clerk's Office**

Superior Court of New Jersey  
Richard Hughes Justice Complex  
P.O. Box 971  
25 Market St  
Trenton, New Jersey 08625

**RE: In RE Application by CitiBank et als. vs. Jose R. Morales et als.**  
**Docket No. F -17318-13**  
**P/A 8431 Liberty Avenue, North Bergen, NJ 07047      Loan # 0630576068**  
**Foreclosure Action F-30666-10**  
**Objection to plaintiff's order to show cause to issue and serve a new NOI**

Dear Sir or Madam:

This office represents the defendants in the above mentioned action.

Please enter the defendant's objection to the other to show cause.

Plaintiff never revealed to in the notice of intention to foreclose or in its failed attempt to give defendants notice that the loan was securitized precluding us from valid defenses under the securitization, and under the New York law applicable to securitization.

The curing does not permit us to rise such defenses stemming from the securitization like lack of standing, not being a real party in interest, the chain of assignment, and the fact that the trust and trustee as not being a real beneficiary could not enforce the note under **12A:3-301** since under the note, the trust was not the holder.

Guillaume does not cure this irreversible damage that the FFA creation intended to prevent. A proper notice of intention to foreclose given to defendants would have triggered in them the search of other options to save their house. However, the defect of lack of specific contents proves of this is that the defendant filed for bankruptcy chapter 13 to late, only after they were under water severally. A property and timely notice, would had given them the

opportunity to file when the amount of arrears was lower and they would had succeeded in the plan. Eventually they could not meet the plan.

Furthermore, the early filing of the chapter 13 would had allowed the defendant to seek a viable modification under Chapter 13, this was precluded by the failure to give proper NOI, and timely NOI.

The curing of it by the application of Guillaume, does not fulfill the intention of the Fair Foreclosure Act.

Respectfully submitted,

  
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Tomas Espinosa, Esq.

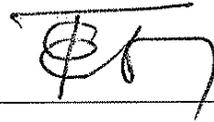
**CERTIFICATE OF SERVICE**

I, Tomas Espinosa, Esq. attorney for defendants hereby certify that I have served by regular mail a copy of the present objection to the following parties:

**Cc: The Honorable Margaret Mary McVeigh, J.S.C.** Via First Class Mail  
Superior Court of New Jersey  
Passaic County  
71 Hamilton Street  
Paterson, NJ 07505

**Cc: Theodore V. Wells, Esq.** Via First Class Mail  
Paul, Weiss, Rifkind, Wharton & Garrison, LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064

Dated: 8/19/2013

A handwritten signature in black ink, appearing to be 'T. Espinosa', written over a horizontal line.

Tomas Espinosa, Esq.