NOTICE TO THE BAR

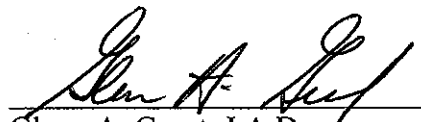
RESIDENTIAL MORTGAGE FORECLOSURES – CONCLUSION OF ORDER-TO-SHOW-CAUSE PROCEDURE FOR SERVING CORRECTED NOTICES OF INTENTION TO FORECLOSE (IMPLEMENTATION OF *GUILLAUME* DECISION)

In furtherance of its decision in U.S. Bank National Association v. Guillaume, 209 N.J. 449 (2012), the Supreme Court issued an order on April 4, 2012 authorizing General Equity Presiding Judges Margaret Mary McVeigh (Passaic) and Paul Innes (Mercer) "to entertain summary actions by Orders to Show Cause as to why plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012 [the date of the Guillaume decision] in which final judgment has not yet been entered [and] who served Notices of Intention to Foreclose that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected Notices of Intention to Foreclose on defendant mortgagors and/or parties obligated on the debt."

The April 4, 2012 order allowed lender-plaintiffs to file summary actions to seek wholesale correction of deficient Notices of Intent to Foreclose across their entire portfolio of foreclosure actions. As of today, in the more than seventeen months that have elapsed since the date of the order, 46 summary actions have been filed, encompassing 31,484 individual foreclosure actions to correct Notices of Intent to Foreclose.

On the recommendation of the General Equity Presiding Judges, the Supreme Court has concluded that sufficient time has elapsed for those lender-plaintiffs who desire to make use of this order to show cause procedure to do so. Accordingly, the Court on November 6, 2013 issued the attached order rescinding the provisions of the April 4, 2012 order, effective January 15, 2014. Under the terms of the order, those applications that are pending as of January 15, 2014 will be permitted to be completed. After January 15, 2014, lender-plaintiffs may still seek authorization to correct Notices of Intention to Foreclose by filing motions in individual actions in the appropriate counties of venue.

Questions concerning this order may be directed to Kristi Jasberg Robinson, Chief, Civil Practice Liaison, at (609) 292-8470 or Kristi.Robinson@judiciary.state.nj.us.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 15, 2013

SUPREME COURT OF NEW JERSEY

The Court, by Order dated April 4, 2012, having authorized plaintiffs in uncontested residential mortgage foreclosure actions filed on or before February 27, 2012 and in which final judgment had not yet been entered, to file summary actions for consideration by General Equity Presiding Judges Paul Innes and Margaret Mary McVeigh as to why plaintiffs should not be allowed to serve corrected Notices of Intent to Foreclose where deficient Notices of Intent to Foreclose had been served; and it appearing that a number of plaintiffs have utilized this summary action procedure over the course of the more than seventeen months that have elapsed since the date of the Court's Order; and that sufficient time has elapsed to permit such plaintiffs who so chose to utilize this summary action procedure;

It is hereby ORDERED that the provisions of the Court's April 4, 2012 Order are rescinded effective January 15, 2014, with the exception that applications for summary actions that are pending as of January 15, 2014 shall be permitted to be completed.

For the Court,

Chief Justice

Dated: November 6, 2013