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**Counsel for PHH Mortgage Corporation**

**RECEIVED** / *Filed*  
OCT 03 2011  
WALTER R. BARISONEK, A.J.S.C. Ret.  
SPECIAL MASTER

IN THE MATTER OF )  
RESIDENTIAL MORTGAGE )  
FORECLOSURE PLEADING )  
AND DOCUMENT )  
IRREGULARITIES )  
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**SUPERIOR COURT OF NEW JERSEY  
UNION VICINAGE  
Administrative Order 10-2010**  
  
**Supplemental Administrative Order  
Dated January 31, 2011**  
  
**Docket No. F-238-11**  
  
**Hon. Walter R. Barisonek  
Special Master – Recall Judge**

**FURTHER SUPPLEMENTAL & CLARIFYING CERTIFICATION  
OF JAMES D. SCOTT  
IN RESPONSE TO THIS COURT'S REQUESTS DATED APRIL 25, 2011**

I, James D. Scott, Assistant Vice President for PHH, hereby certify that the following information is true and accurate, based upon my personal knowledge and based upon my review of the business records of PHH Mortgage Corporation ("PHH"), which it maintains in the ordinary course of its business. This Certification supplements and clarifies my prior Certifications, to address more specifically the matters raised in the letter from the Honorable Walter R. Barisonek dated September 1, 2011.

1. Attached are copies of the revised Rule 4:64-1 & Rule 4:64-2 checklists provided by the FEIN, SUCH, KAHN & SHEPARD, P.C which replace the forms attached to my prior certification as exhibit "10A".

2. PHH's revised process for complying with the requirements of Rule 4:64-1:

A. Prior to filing the complaint in any New Jersey residential foreclosure action at PHH's behest, counsel has been directed to prepare and provide a copy of the documents that are to be submitted to the court, including the complaint, to a designated employee of PHH for personal review, who shall: (i) confirm the accuracy of its content based upon their personal knowledge and/or personal review of the business records of PHH kept in the ordinary course of business; and (ii) to the extent PHH is not named plaintiff but named plaintiff's servicer. (a) identify the relationship between PHH and named plaintiff; and (b) confirm the authority of PHH to act on behalf of plaintiff.

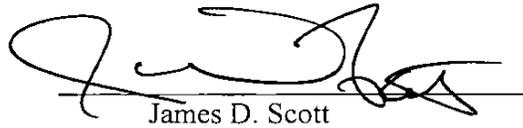
B. The PHH employee to whom counsel has been directed to submit the complaint and documents for personal review: (i) will confirm the accuracy of its content based upon their personal knowledge and/or personal review of the business records of PHH kept in the ordinary course of business; and (ii) to the extent PHH is not named plaintiff but named plaintiff's servicer, will: (a) identify the relationship between PHH and named plaintiff; and (b) confirm the authority of PHH to act on behalf of plaintiff; and (c) report their findings to counsel, which counsel may require to be further documented by verifying affidavit or certification.

- C. Counsel has been directed to complete, execute, and annex to the complaint filed in any New Jersey residential foreclosure action at PHH's behest, their certification of diligent inquiry confirming the communication with the PHH employee: (i) verifying the employee's personal review and confirmation of the accuracy of the borrower's account information contained in the complaint, (ii) describing the date and mode of communication; and (iii) stating the name, title, and responsibilities of the PHH employee.
3. PHH's revised process for complying with the requirements of Rule 4:64-2:
- A. Prior to filing a notice of motion for entry of judgment in any New Jersey residential foreclosure action at PHH's behest, counsel has been directed to prepare and timely complete an Affidavit/Certification of Proof of Amount Due from the information contained in the business records of PHH, to which counsel has been provided secure and direct access. Counsel has been directed that the form be fully compliant with Rule 4:64-2(c)(1) through (4), and identify the name, title, and responsibilities of the individual affiant/certifier, as well as that the name of affiant/certifier's employer is PHH, and, to the extent that PHH is not the named plaintiff, fully explain the relationship between PHH and the plaintiff. Upon completion of the Affidavit/Certification in compliance with this Rule, counsel is further directed to provide a copy of the Affidavit/Certification to a designated employee of PHH for personal review, along with the original or true copies of the note, mortgage and recorded assignments, if any, that are to be submitted with the Affidavit/Certification.

- B. The PHH employee to whom counsel has been directed to submit the Affidavit/Certification of Proof of Amount Due and supporting loan documents, shall personally review and confirm that the note, mortgage and recorded assignments, if any, are originals or true copies, and shall confirm the accuracy of the content Affidavit/Certification, based upon their personal knowledge and/or personal review of the business records of PHH kept in the ordinary course of business, and report their verification to counsel, which counsel may require to be further documented by verifying affidavit or certification.
- C. Counsel will then complete, execute, and annex to the motion for judgment in any New Jersey residential foreclosure action at PHH's behest, their certification of diligent inquiry confirming the communication with the PHH employee: (i) verifying the employee's personal review and confirmation of the accuracy of the Affidavit/Certification, (ii) describing the date and mode of communication; and (iii) stating the name, title, and responsibilities of the PHH employee.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Dated: September 30, 2011



James D. Scott

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REVISED EXHIBIT 10A

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NEW JERSEY COMPLAINT CERTIFICATION CHECKLIST

Loan #:  
Firm File #:  
Borrower Name:  
NAME OF PLAINTIFF:

Instructions: THE PURPOSE OF THIS CHECKLIST IS FOR FEIN, SUCH KAHN & SHEPARD TO FILE AN ATTORNEY CERTIFICATION OF DILIGENT INQUIRY ASSERTING THAT THE FIRM HAS COMMUNICATED WITH THE PLAINTIFF OR SERVICER AND CONFIRMED THE ACCURACY OF COMPLAINT. THE PERSON WHO SIGNS THIS CHECKLIST MUST BE FAMILIAR WITH AND HAVE REVIEWED THE BOOKS AND RECORDS OF THE SERVICER/PLAINTIFF. THIS IS BASED ON THE AMENDED RULE WHICH BECAME EFFECTIVE ON JUNE 9, 2011.

TO COMPLETE THIS CHECKLIST YOU WILL NEED:

- The COMPLAINT
- The NOTE
- The MORTGAGE
- Any and all ASSIGNMENTS OF MORTGAGE

1. Name of checklist reviewer who personally reviewed the complaint:

\_\_\_\_\_ Dated: \_\_\_\_\_

TITLE OF REVIEWER: \_\_\_\_\_

2. JOB DESCRIPTION of checklist reviewer: \_\_\_\_\_

3. If SERVICER signing this checklist, what is the relationship with Plaintiff?: \_\_\_\_\_.

4.  I have confirmed the authority of servicer to act on behalf of Plaintiff (you must check this off)

COMPLAINT

5. Is the Plaintiff (SEE CAPTION) correct according to your company's business records?

- Yes, the plaintiff name matches our records.
- No, the plaintiff name does not match our records and should read:

\_\_\_\_\_.

6. Do(es) the PERSON(S) WHO SIGNED THE NOTE (the obligor) see Paragraph 1 of the Complaint, match your company's business records? (person responsible for payment of the debt).

- Yes, the obligor(s) do match our records.
- No, the obligor(s) do not match our records and should read:

\_\_\_\_\_.

7. Does the entity to whom the debt is owed (the obligee)- see paragraph 1 of the Complaint-- match your company's business records?

- Yes, the obligee(s) do match our records.
- No, the obligee(s) do not match our records and should read:

\_\_\_\_\_.

8. Does the entity to whom the MORTGAGE is made (the MORTGAGEE) see paragraph 2 of the Complaint --match your company's business records?

- Yes, the mortgagee does match our records.
- No, the mortgagee does not match our records and should read:

\_\_\_\_\_.

9. Do(es) the persons who signed the MORTGAGE (the mortgagors) see paragraph 2 of the Complaint match your company's business records?

- Yes, the mortgagors match our records.
- No, the NAME MISSING IS/ARE: \_\_\_\_\_.

10. Does the original amount of the Note and Mortgage (see Paragraph 1) match your company's records?

- Yes, the original amount of the note and mortgage matches our records.
- No, the original amount should read: \_\_\_\_\_.

**THE MORTGAGE**

1. Is the following information regarding the mortgage accurate:

- DATE of the NOTE AND MORTGAGE matches our records.
- Recording date of the mortgage matches our company records.
- The book and page numbers of recorded mortgage match our records.
- The county of recording matches our records.

If any of the above is incorrect, please note below which item must be corrected: \_\_\_\_\_.

2. Does the complaint correctly set forth that the mortgage is a purchase money mortgage?

- Not applicable, this is not a purchase money mortgage.
- Yes, this is a purchase money mortgage.
- No, the complaint does not correctly set forth purchase money mortgage.

**DESCRIPTION OF THE PROPERTY- SEE SCHEDULE A TO COMPLAINT**

1. Does the "commonly known address" for the property match your company business records?

- Yes, it matches our records.
- No, the "commonly known address" does not match our records and should read: \_\_\_\_\_.

2. Do the lot and block (and/or ) qualifier number match your company's business records?

- Yes, they match our records.
- No, they do not match our records and should read:  
\_\_\_\_\_.

**LOAN MODIFICATION**

- NOT APPLICABLE, there is no loan modification according to our company business records.
- Yes, there is a loan modification and the terms are properly set forth in the complaint and match our records.
- No, the terms are not accurate accordingly to our records and should be  
\_\_\_\_\_.

**ASSIGNMENT OF MORTGAGE**

*Every assignment in the complaint is to be reviewed. If there is incorrect information, indicate which assignment your response is correcting. If there are no assignments, select "N/A".*

- N/A - no assignments of record. GO TO NEXT SECTION.
- Yes, the date of assignment matches our records.
- Yes, the assignor name matches our records
- Yes, the assignee name matches our records.

- Yes, the recording date matches our records.  
 Yes, the book and page numbers match our records.

IF ANY INFORMATION IS INACCURATE, PLEASE CORRECT HERE:

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NOTICE OF INTENT TO FORECLOSE (NOI)

Do your company's business records show that the NOI was sent to all who signed the NOTE at both the mortgage premises and any alternate mailing address?

Yes, the NOI was sent to everyone who signed the NOTE at the correct addresses as per our records.

No, the NOI was not sent to \_\_\_\_\_ or at the address \_\_\_\_\_.

DEFAULT INFORMATION

Does the DEFAULT date match your business records?

Yes, the default date matches our records.

No, the default date does not match our records and should read:

\_\_\_\_\_.

I confirm to the best of my information, knowledge, and belief that the foregoing responses are true and correct. I am familiar with and have reviewed the books and records of the servicer/plaintiff in my review of this complaint and checklist.

\_\_\_\_\_  
(Signature of reviewer)

\_\_\_\_\_  
(Print Name)

Dated:  
Borrower Name:  
Our file number:

**FEIN, SUCH, KAHN & SHEPARD, P.C.**

COUNSELLORS AT LAW

7 CENTURY DRIVE, SUITE 201  
PARSIPPANY, NEW JERSEY 07054  
(973) 538-9300

FACSIMILE (973) 538-8234

[www.feinsuch.com](http://www.feinsuch.com)

Dear Sir/Madam:

Here are some guidelines for a Court approved Certification of Amount Due:

1. If you are preparing the Certification on an adjustable rate mortgage, you must set forth each interest rate, number of days and per diem rate.
2. The late charges cannot go past the date the Complaint was filed. If you are preparing the Certification of Proof for an adjustable rate mortgage, you must set forth each different late charge and the months charged at each rate.
3. All advances that you want to recover have to be broken down in the correct category by date and amount of payment. Do not show future advances. You can show advances through the interest good-through date on the Certification only. NOT permitted on this Certification are charges for NSF FEES and BPO/APPRAISALS.
4. If you show any advances for winterization/securing you must break down each charge by date and specify the amount due for each charge. Example 01/01/2011 lawn maintenance \$20.00. If the property is owner occupied the Court will question your request for these charges and may reject the judgment package.

NJ Foreclosure Certification of Proof of Amounts Due Checklist

Loan #:  
Firm File #:  
Borrower Name:  
NAME OF PLAINTIFF:

Instructions: THE PURPOSE OF THIS CHECKLIST IS FOR FEIN, SUCH, KAHN & SHEPARD TO FILE AN ATTORNEY CERTIFICATION OF DILIGENT INQUIRY ASSERTING THAT THE FIRM HAS COMMUNICATED WITH THE PLAINTIFF or SERVICER AND CONFIRMED THE ACCURACY OF THE CERTIFICATION OF AMOUNT DUE. **THE PERSON WHO SIGNS THIS CHECKLIST MUST BE FAMILIAR WITH AND HAVE REVIEWED THE BOOKS AND RECORDS OF THE SERVICER/PLAINTIFF.** THIS IS BASED ON THE AMENDED RULE WHICH BECAME EFFECTIVE ON JUNE 9, 2011

TO COMPLETE THIS CHECKLIST YOU WILL NEED:

- The COMPLAINT
- The NOTE
- The MORTGAGE
- Any and all ASSIGNMENTS OF MORTGAGE
- COMPLETED CERTIFICATION OF AMOUNT DUE

Complete either Simple Interest Loan or Adjustable Rate Loan Section fully. Ensure all checkboxes are checked and information is accurate based on Certification of Amount Due you are reviewing.

1. Name of checklist reviewer who personally reviewed the Certification of

Amount Due: \_\_\_\_\_  
Dated: \_\_\_\_\_

2. Job description of checklist reviewer:

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ACCOUNT INFORMATION AT TIME OF DEFAULT- REFER TO SCHEDULE A ON CERT OF PROOF

1. Does the principal amount due as of the date of default match your company business records?

- Yes, the principal amount due as of the date of default matches our records.
- No, the principal amount due as of the date of default does not match our records and should read:  
\_\_\_\_\_
2. Does the date the interest is calculated from match your company business records?
- Yes, the default calculated from date matches our records.
- No, the default calculated from date does not match our records and should read: \_\_\_\_\_
3. Does the date the interest is calculated to set forth in the certification match your company business records?
- Yes, the date interest is calculated to matches our records.
- No, the date interest is calculated to does not match our records and should read: \_\_\_\_\_
4. Do the total number of days between the date of default and the date that interest is calculated through set forth in the Certification match your company business records?
- Yes, the total number of days between the date of default and date interest is calculated through matches our records.
- No, the total number of days between the date of default and date interest is calculated through does not match our records and should read: \_\_\_\_\_

**SECTION FOR FIXED RATE INTEREST LOANS ONLY**

*Please note: This section is only to be filled out if this is a FIXED RATE (Simple) Interest Loan.*

1. Does the per diem match your company business records?
- Yes, the per diem interest rate matches our records.
- No, the per diem interest rate does not match our records and should read: \_\_\_\_\_
2. Does the total accumulated interest TOTAL NUMBER OF DAYS MULTIPLIED BY PER DIEM - based on 365 day calendar year match your company business records?

Yes, the accumulated interest matches our records.

No, the accumulated interest does not match our records and should read: \_\_\_\_\_

**SECTION FOR ADJUSTABLE RATE MORTGAGES ONLY**

*Fill out this section if this is an Adjustable Rate Loan.*

1. Does the per diem interest rate due for each interest rate adjustment period set forth in the cert of proof match your company business records?  
 Yes, the per diem interest rates due for each interest rate adjustment period match our records.  
 No, the per diem interest rates due for each interest rate adjustment period do not match our records and should read:  
\_\_\_\_\_
2. Does the total number of days for each adjustment period set forth in the cert of proof match your company business records?  
 Yes, the total number of days for each interest rate adjustment period matches our records.  
 No, the total number of days for each interest rate adjustment period does not match our records and should read:  
\_\_\_\_\_
3. Does the total of interest due for each adjustment period match your company business records?  
 Yes, the total of interest due for each adjustment period matches our records.  
 No, the total of interest due for each adjustment period does not match our records and should read: \_\_\_\_\_

**Advances** *Advances for more than \$5,000.00 must be itemized in a list with the dates and amounts paid.*

1. Does the amount of escrow advances set forth in the cert of proof match your company business records?  
 Yes, the amount of escrow advances matches our records.  
 No, the amount of escrow advances does not match our records and should read: \_\_\_\_\_

*Late Charges can only be included if they are due on or before the date of default, up to and including the month in which the foreclosure complaint is filed.*

1. Do the monthly late charges set forth in the cert of proof match your company business records?

Yes, the monthly late charges match our records.

No, the monthly late charges do not match our records and should read: \_\_\_\_\_

I confirm to the best of my information, knowledge, and belief that the foregoing responses are true and correct. I am familiar with and have reviewed the books and records of the servicer/plaintiff in my review of this certification of amount due and checklist.

\_\_\_\_\_  
(Signature of reviewer)

\_\_\_\_\_  
(Print Name)

Loan #:  
Firm File #:  
Borrower Name: