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MAY 23 2013

SUPERIOR COURT
CLERK'S OFFICE

David Oswald
(Your Name(s))

151 Lackland Ave. Piscataway, NJ 08854
(Your Mailing Address)

732-377-9052
(Your Daytime Telephone Number)

Superior Court of New Jersey
Chancery Division
General Equity

PHH Mortgage Corporation
Bank of America, National Association as

Successor by merger to LaSalle Bank National as Mercer County

(Name of company or bank that filed the foreclosure complaint) Trustee for Luminant Mtg. Trust 2005-1 County where the property is located or "Mercer" for an objection to the Order to Show Cause

Docket No F- 7924-13

Vs.

CIVIL ACTION

OBJECTION TO: (select one)

- Order to Show Cause
- Corrected Notice of Intention to Foreclose

David Oswald
(Name of first defendant listed on the complaint)
Defendant(s),

I/We David Oswald, the defendant(s) in the foreclosure matter
(filing party or parties)

Superior Court of NJ Chancery Div. Docket NO: F-7924-13 hereby object
(caption and docket number if different from above)

to the Plaintiff's filing of the (select one)

- Order to Show Cause
 - Corrected Notice of Intention to Foreclose
- for the following specific reasons:
(Describe specific objections in numbered paragraphs. Please attach additional pages if necessary.)

Please see objections 1-4 in numbered paragraphs on following page.

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

5/20/13
Date

[Signature]
Signature
David Oswald
Print or Type Name

Objection 1 : Perfected security interest of the homeowner's residential mortgage has not been established by the trustee.

The plaintiff acting on behalf of the trustee possibly may have a right to foreclose for a fraction of the security it may have purchased but not in its totality. Plaintiff has not provided a Prospectus of any sort so that such a determination can be made. In addition, Defendant has not provided with the Original Note.

Objection 2: The Fair Foreclosure Act stipulates and answers any questions as to whether the Corrected Notice of Intent to Foreclose should be considered in the first place. In *EMC Mortgage vs. Chaudri*, 400 N.J. Super 126, 138 (App. Div. 2008) and *Bank of New York Mellon v. Elghossain*, 419 N.J. Super 336, 342 (Ch. Div. 2010) In dismissing the complaint, the court held that Lenders substantial compliance with the FFA is not enough, strict compliance is required and that post filing service of a corrected notice or in this case, a deficient NOI is not permitted.

Objection 3: Identified homeowner was not properly served

The Order to Show Cause requires that the package be sent certified and regular mail to the homeowner identified in the exhibit. The certified mail copy was not received by the homeowner and it is believed that the documents may have only been sent via regular mail.

Objection 4: PHH has not provided reliable contact information for questions and concerns.

The Fair Foreclosure Act demands that an individual be named in the Notice of Intent who can address the many concerns a homeowner might have when receiving a notice. In the proposed corrective notice, PHH has a general phone number with no contact name. In an additional informational document that was supplied, PHH has identified the name of Shannon Tomasso as someone that can be contacted should you have questions in regard to your loan or the corrected Notice of Intent to Foreclose. They have provided a phone number to reach Shannon Tomasso but when the homeowner called and asked for Shannon, the party who answered the phone was not aware of the name Shannon Tomasso. Instead, the party who answered the phone ignored the request to speak to her and decided to attempt to see if the homeowner would like a loan modification. When asked about this particular docket and case, the party representing PHH was unaware that a new Notice of Intent to foreclose was even sent out.

PHH is now seeking equitable relief in the form of judicial permission to correct their statutory violations after the filing of a foreclosure action. If this action is permitted, the equities will not be balanced.

For the reasons stated above and for the reasons that may be raised in additional objections, it is respectfully requested that PHH's Order to Show Cause be denied in its entirety and/or denied as to the specifically identified homeowner at issue in this objection. It is also respectfully requested that counsel fees, if applicable, be awarded in favor of the identified homeowner.

Certification of Service

I hereby certify that on 5/20/13 I sent my objection to the following parties by: (Select which mailing method you chose. If you sent it by both regular and certified mail, check both.

regular mail certified mail other _____

List each party to the lawsuit; send your opposition to the attorney if the party is represented by counsel; if the party is pro se you may send the papers directly to that individual.

Name David Oswald

Name Read Smith LLP
Diane A. Bettino, Esq.

Address 151 Lackland Ave.
Piscataway, NJ 08854

Address Princeton Forrestal Village
136 Main St., Ste. 250
Princeton, NJ 08540

Attorney for _____

Attorney for PHH Mortgage Corp.

5/20/13
Date


Signature
David Oswald
Print or Type Name

Also receiving this notice:

Clerk of the Superior Court
Foreclosure Processing
Attn: Objections to Notice of Intention
to Foreclose
25 Market St.
PO Box 971
Trenton, NJ 08625-0971

Hon. Paul Innes, P.J. Ch.
Mercer County Courthouse
175 South Broad St.
Trenton, NJ 08650