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)	SUPERIOR COURT OF NEW JERSEY
)	CHANCERY DIVISION
IN RE APPLICATION BY WELLS)	PASSAIC COUNTY
FARGO BANK, N.A. TO ISSUE)	
CORRECTED NOTICES OF INTENT)	DOCKET NO.: F-_____
TO FORECLOSE ON BEHALF OF)	
IDENTIFIED FORECLOSURE)	<u>CIVIL ACTION</u>
PLAINTIFFS IN UNCONTESTED)	
CASES)	
)	ORDER TO SHOW CAUSE
)	
)	

THIS MATTER being brought before the Court by Reed Smith, LLP, attorneys for Wells Fargo Bank, N.A. (“Wells Fargo”), authorized to act on behalf of Foreclosure Plaintiffs in pending foreclosure cases in New Jersey, seeking relief by way of summary action for an Order permitting Wells Fargo to issue corrected Notices of Intent to Foreclose (“NOI”) in pending, pre-judgment, uncontested foreclosure cases to include the name and address of the lender, and based upon the New Jersey Supreme Court’s decision in US Bank, N.A. v Guillaume, 209 N.J. 449 (2012), the implementing Order of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

It is on this ____ day of 2012 **ORDERED** that Wells Fargo appear and show cause before the Superior Court at the Passaic County Courthouse in Paterson, New Jersey at _____ o’clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____ day of

_____, 2012 why an Order should not be issued permitting Wells Fargo to issue curative NOIs as follows:

A. Within ___ days of the entry of this Order, Wells Fargo will supply the Court with a list of all pending pre-judgment uncontested foreclosure cases in which corrected NOIs will be served (“Corrected NOI List”). The Corrected NOI List will provide a list of all pre-judgment foreclosure actions in which Wells Fargo acted as the servicer and in which Wells Fargo served NOIs that did not include the name and address of the lender. The Corrected NOI List will include the name of the Foreclosure Plaintiff/Lender and the Docket Number.

B. As instructed by the Supreme Court in the April 4, 2012 Order, Wells Fargo will issue a letter (“Explanatory Letter”) to each defendant mortgagor and/or parties obligated on the debt (“Foreclosure Defendants”) in the pending uncontested foreclosure actions substantially in the form attached as Exhibit A to the Verified Complaint. The Explanatory Letter will explain:

- the reasons why the corrected NOI is being served;
- the procedure to follow in the event a foreclosure defendant wishes to object to the NOI;
- the individuals to contact with any questions; and
- their right to object to the corrected NOI or their right to cure the default within 30 days of the date of the corrected NOI.

C. Wells Fargo will issue a corrected NOI in the form attached as Exhibit B to the Verified Complaint and shall attach such NOI to the Explanatory Letter referenced in paragraph B above. The corrected NOI will exclude attorneys’ fees and foreclosure costs that have been incurred in the pending foreclosure cases. Such corrected NOI and Explanatory Letter shall be served via certified and regular mail to the last known address of each Foreclosure Defendant, as

set forth in more detail below in paragraph 1. In accordance with N.J.S.A. 2A:50-56(e), the Explanatory Letter and corrected NOI will be sent by Wells Fargo, the servicing agent.

AND IT IS FURTHER ORDERED THAT:

1. A copy of this Order to Show Cause, Verified Complaint, Explanatory Letter and the corrected NOI for each Foreclosure Defendant (collectively, the "OSC Package"), shall be served upon the Foreclosure Defendants on the Corrected NOI List. The OSC Package shall be served via certified mail, return receipt requested and regular mail at the last known address of each Foreclosure Defendant. For purposes of this Order to Show Cause, Wells Fargo may serve each marital couple residing at the same address with one OSC Package via certified mail and regular mail.¹

2. Wells Fargo shall file with the Court its proof of service of the OSC Package on the Foreclosure Defendants on the Corrected NOI List no later than three (3) days before the return date.

3. You [Foreclosure Defendants] will have until _____ in which to object to the Order to Show Cause, the issuance of the corrected NOI and/or to the content in the corrected NOI or 30 days from service of the OSC Package to cure your default. Any objections to this Order to Show Cause shall be made in writing and the original documents must be filed with the Clerk of the Superior Court in Mercer County, New Jersey at 175 S. Broad Street, Trenton, New Jersey 08650. You must also send a copy of your opposition papers directly to Judge Margaret Mary McVeigh, whose address is Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505 and to Wells Fargo's attorneys, Mark Melodia, Esquire,

¹ In the event Wells Fargo has been provided an address for the estate of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator.

Reed Smith, LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540. A telephone call will not protect your rights, you must file your opposition and serve your opposition on Wells Fargo's attorneys, if you want the Court to hear your opposition to the relief that Wells Fargo is seeking.

4. Wells Fargo may file and serve any written reply to any opposition papers received by _____, 2012. The reply papers must be filed with the Clerk of the Superior Court in Mercer County, with a copy to Judge McVeigh and to each Foreclosure Defendant who filed an opposition.

5. If Wells Fargo has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

6. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided with the corrected NOI.

7. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless Wells Fargo is advised to the contrary no later than _____ days before the return date.

8. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the OSC Package shall not be sent unless and until the suspension is lifted. In such circumstances, the following procedure shall be used in place of the procedures set forth in paragraphs 2-5 and 7 of this Order. Wells Fargo shall mail the OSC Package, in accordance with paragraph 1, within 45 days of the lifting of the suspension of the foreclosure action. You [Foreclosure Defendants] will have 30 days in which to object to the corrected NOI or 30 days from service of the OSC Package to cure your default. Any objections

to the relief set forth in this Order to Show Cause shall be made in writing to the Court in the County in which your foreclosure action is pending. You must also send a copy of your written papers to Wells Fargo's attorneys, Mark Melodia, Esquire, Reed Smith, LLP, Princeton Forrestal Village, 136 Main Street, Princeton, New Jersey 08540

J.S.C.