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July 17, 2012

**Via JEFIS**

Jennifer Perez, Clerk of the Superior Court  
Superior Court of New Jersey  
25 West Market Street, 6<sup>th</sup> Floor North Wing  
Trenton, New Jersey 08625

**Re: *In re Application by Wells Fargo Bank, N.A. to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Uncontested Cases***  
***Docket Number F-009564-12***

Dear Ms. Perez:

This firm represents Wells Fargo Bank, N.A. in the above-referenced matter. Enclosed for filing, please find the original and two copies of the following documents:

1. Order to Show Cause;
2. Verified Amended Complaint;
3. Attorney Certification of PDF Signature;
4. Letter Brief in Support of Application;
5. Proposed Publication Notice; and
6. Certification of Service.

Please charge our Superior Court Account 141013 for any filing charges. We understand that this matter is being assigned to Judge McVeigh. We are providing Judge McVeigh with a courtesy copy of our papers. Please call if you have any questions.

Very truly yours,

  
Mark S. Melodia

Enclosures

cc: The Hon. Margaret Mary McVeigh, P.J. Ch. (*Via Hand-Delivery*)  
Margaret Lambe Jurow, Esquire (*Via Hand-Delivery*)

**REED SMITH LLP**

*Formed in the State of Delaware*

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Attorneys for Wells Fargo Bank, N.A.

	)	<b>SUPERIOR COURT OF NEW JERSEY</b>
	)	<b>CHANCERY DIVISION</b>
<b>IN RE APPLICATION BY WELLS</b>	)	<b>PASSAIC COUNTY</b>
<b>FARGO BANK, N.A. TO ISSUE</b>	)	
<b>CORRECTED NOTICES OF INTENT</b>	)	<b>DOCKET NO.: F-009564-12</b>
<b>TO FORECLOSE ON BEHALF OF</b>	)	
<b>IDENTIFIED FORECLOSURE</b>	)	<u><b>CIVIL ACTION</b></u>
<b>PLAINTIFFS IN UNCONTESTED</b>	)	
<b>CASES</b>	)	
	)	<b>AMENDED VERIFIED COMPLAINT</b>
	)	<b>IN SUPPORT OF SUMMARY ACTION</b>
	)	

Wells Fargo Bank, N.A., (“Wells Fargo”), authorized to act on behalf of the Foreclosure Plaintiffs in pending, pre-judgment uncontested foreclosure actions, brings this action pursuant to the April 4, 2012, Order of the New Jersey Supreme Court (the "April 4<sup>th</sup> Order"), that was entered following the Court’s decision in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), (“Guillaume”). Wells Fargo respectfully states as follows:

1. Wells Fargo is a national banking association and a wholly-owned subsidiary of Wells Fargo & Company, a bank holding company.
2. Wells Fargo services mortgage loans for residential properties in New Jersey either through its division, Wells Fargo Home Mortgage or its trade name, America’s Servicing

Company.<sup>1</sup>

3. When Wells Fargo is the servicer of a loan, it undertakes payment collection, loss mitigation (modifications, short sales, deeds in lieu) and collection efforts, including foreclosure, with respect to a mortgage loan. If a loan is owned by another entity, Wells Fargo undertakes these efforts in accordance with the contracts that govern its relationship with the owner of the loan as well as the loan documents, Rules of Court and any applicable laws. As the entity collecting and processing payments, Wells Fargo has the information relevant to the payments, escrows paid, amounts due and whether a loan is in default and by how much. This information is maintained on Wells Fargo's systems of record. In cases in which Wells Fargo is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information, as was recognized by the Supreme Court when it revised the Court Rules governing foreclosures at R. 4:64-1 and R. 4:64-2 in June, 2011. Wells Fargo makes this application to the Court pursuant to the authority granted to Wells Fargo as the servicing agent of Foreclosure Plaintiffs in pending foreclosure cases.

4. The identities of the Foreclosure Plaintiffs in the foreclosure cases for which Wells Fargo is seeking to issue corrected Notices of Intent are identified alphabetically in the Counts 1 through 34. Attached as Exhibits 1 through 34 to each of those Counts are the current lists of the pending, uncontested foreclosure cases that require corrected NOIs (collectively referred to hereafter as the "Corrected NOI List").

5. One of the duties of a servicer on a defaulted mortgage loan in New Jersey is to prepare and serve the Notice of Intent to Foreclose ("NOI"), in accordance with the applicable

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<sup>1</sup> Wells Fargo also appears as a plaintiff in foreclosure proceedings in its capacity as a trustee for the owners of securitized loans. Where Wells Fargo is only the trustee and not the servicer, Wells Fargo plays no role in servicing these loans. This current application to the Court does not include those cases in which Wells Fargo acts only as a trustee.

contracts and as required by N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by Wells Fargo and includes, among other data elements, information about the amount that is required to reinstate the loan and the date by which reinstatement must occur.

6. On February 27, 2012, the Supreme Court decided Guillaume and held that the Fair Foreclosure Act requires strict adherence to the notice requirements set forth in N.J.S.A. 2A:50-56(c) for all NOIs. The Court further held that a court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56 were not followed has the discretion to choose the appropriate remedy, permitting a cure of the deficient NOI, or imposing such other remedy as may be appropriate to the specific case.

7. Following its decision in Guillaume, the Court entered the April 4<sup>th</sup> Order which authorizes the Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, and the Hon. Paul Innes, P.J.Ch., Mercer Vicinage, 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, in which final judgment has not been entered, who caused NOIs to be served that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected NOIs on defendant/mortgagors and/or parties obligated on the debt (the "Foreclosure Defendants").

8. The April 4<sup>th</sup> Order further states that any corrected NOI must be accompanied by a letter to the Foreclosure Defendants setting forth 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 name of a person to contact with any questions, and that the receipt of the corrected NOI allows Foreclosure Defendants 30 days in which to object or to cure the default.

9. Wells Fargo reviewed its pending foreclosure cases with its counsel to identify those foreclosure cases which will require a corrected NOI because the lender and the lender's address were not included in the previously served NOIs. The Corrected NOI List was reviewed for accuracy to verify the status of the foreclosures, the effect of loss mitigation on pending foreclosures, whether there are relevant bankruptcy proceedings and whether, since the original NOIs were sent, there were intervening deaths of Foreclosure Defendants.

10. The Corrected NOI List attached as Exhibits 1 through 34 includes the portfolio of loans that are pre-judgment, uncontested foreclosures that Wells Fargo is servicing and in which deficient NOIs were served by Wells Fargo. Specifically, as directed by the Supreme Court in Guillaume and the April 4, 2012 Order, the Corrected NOI List includes a listing of:

- a. foreclosures that were filed on or before February 27, 2012 and which Wells Fargo is servicing the loans and acting as agent for a Foreclosure Plaintiff,
- b. in which final judgment has not been entered, and
- c. in which Wells Fargo is seeking leave to file a corrected NOI to include the identity of the lender and the lender's address.

11. The Corrected NOI List also identifies (1) the name of the lender on each loan which is listed as the Plaintiff in the foreclosure action, (2) the name of the first named Foreclosure Defendant, (3) the foreclosure docket number and, (4) the vicinage.<sup>2</sup> While Wells Fargo is not the Plaintiff in each of the foreclosure actions, it is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI pursuant to the relevant contracts with the Foreclosure Plaintiffs.

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<sup>2</sup> Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the Foreclosure Plaintiff initially identified in the caption may not be the current correct entity that will be listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and Wells Fargo will require that foreclosure counsel take appropriate steps to change the plaintiff in affected foreclosure actions where required.

12. To comply with the April 4<sup>th</sup> Order, attached as Exhibit "A" to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that Wells Fargo intends to send to each Foreclosure Defendant. As instructed by the Supreme Court in the April 4<sup>th</sup> Order, the proposed form of Explanatory Letter:

- a. explains the reason why the corrected NOI is being served,
- b. the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI,
- c. identifies the individual(s) a Foreclosure Defendant should contact with any questions, and
- d. advises the Foreclosure Defendant of the right to object to the corrected NOI as well as the right to cure the default within 30 days of the date of the corrected NOI.

The corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure cases.

13. Attached as Exhibit "B" to the Verified Complaint is the proposed form of corrected NOI which Wells Fargo will send to each of the Foreclosure Defendants identified on the Corrected NOI List.<sup>3</sup> Each Foreclosure Defendant will be served with a corrected NOI that includes, *inter alia*, the information specific to their mortgage loan, their default, the lender/holder's name and address and the amount to reinstate, as provided for in the Order to Show Cause.

#### **COUNT 1 - BANK OF AMERICA, N.A.**

14. Wells Fargo services residential mortgage loans in New Jersey for Bank of America, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

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<sup>3</sup> Exhibit B also includes a form of corrected NOI that will be used to correct cases in which the holder of the mortgage was not correctly identified in the original NOI. However, the substantive language in the two NOIs is identical.

15. Attached as Exhibit 1 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Bank of America and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 2 - BANK OF NEW YORK MELLON**

16. Wells Fargo services residential mortgage loans in New Jersey for The Bank of New York Mellon and some of its affiliated entities pursuant to an agreement between the parties.

17. Attached as Exhibit 2 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for The Bank of New York Mellon and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 3 - BANKATLANTIC**

18. Wells Fargo services residential mortgage loans in New Jersey for BankAtlantic and some of its affiliated entities pursuant to an agreement between the parties.

19. Attached as Exhibit 3 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for BankAtlantic and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 4 - BAYVIEW FINANCIAL**

20. Wells Fargo services residential mortgage loans in New Jersey for Bayview Financial and some of its affiliated entities pursuant to an agreement between the parties.

21. Attached as Exhibit 4 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Bayview Financial and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 5 - CITIBANK, N.A.**

22. Wells Fargo services residential mortgage loans in New Jersey for CitiBank, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

23. Attached as Exhibit 5 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for CitiBank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 6 - COMMERCE BANCORP**

24. Wells Fargo services residential mortgage loans in New Jersey for Commerce Bank and some of its affiliated entities pursuant to an agreement between the parties.

25. Attached as Exhibit 6 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Commerce Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 7 - COPPERFIELD INVESTMENTS**

26. Wells Fargo services residential mortgage loans in New Jersey for Copperfield Investments pursuant to an agreement between the parties.

27. Attached as Exhibit 7 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Copperfield Investments and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 8 - DEUTSCHE BANK**

28. Wells Fargo services residential mortgage loans in New Jersey for Deutsche Bank and some of its affiliated entities pursuant to an agreement between the parties.

29. Attached as Exhibit 8 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Deutsche Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 9 - DLJ MORTGAGE CAPITAL, INC.**

30. Wells Fargo services residential mortgage loans in New Jersey for DLJ Capital, Inc. pursuant to an agreement between the parties.

31. Attached as Exhibit 9 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for DLJ Capital and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 10 - E\*TRADE**

32. Wells Fargo services residential mortgage loans in New Jersey for E\*TRADE pursuant to an agreement between the parties.

33. Attached as Exhibit 10 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for E\*TRADE and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 11 - EMC MORTGAGE**

34. Wells Fargo services residential mortgage loans in New Jersey for EMC Mortgage pursuant to an agreement between the parties.

35. Attached as Exhibit 11 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for EMC Mortgage and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 12 - FEDERAL DEPOSIT INSURANCE CORPORATION**

36. Wells Fargo services residential mortgage loans in New Jersey for the Federal Deposit Insurance Corporation ("FDIC") pursuant to an agreement between the parties.

37. Attached as Exhibit 12 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for the FDIC and in which Wells Fargo previously

served a NOI that did not include the name and address of the lender.

**COUNT 13 - FEDERAL HOME LOAN MORTGAGE CORPORATION**

38. Wells Fargo services residential mortgage loans in New Jersey for Federal Home Loan Mortgage Corporation (“Freddie Mac”) pursuant to an agreement between the parties.

39. Attached as Exhibit 13 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo in which Freddie Mac is the named Plaintiff and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

40. If the servicer of a Freddie Mac loan also holds a secondary lien on the same property, the Freddie Mac servicing guidelines allow the servicer to file the foreclosure in the name of Freddie Mac. In such cases, such as the cases listed on Exhibit 13, Freddie Mac should have been identified as the lender in the original NOI, because in such cases, Freddie Mac is the holder of the residential mortgage under the Fair Foreclosure Act.

41. Not included in this application are the other cases in which Freddie Mac is not the holder of the residential mortgage and not the Named Plaintiff but where Freddie Mac may have a beneficial interest in the loan. In such cases, the original NOI that was sent that identified Wells Fargo as the lender was accurate, as Wells Fargo was the holder of the residential mortgage at the time of the issuance of the NOI, pursuant to the Fair Foreclosure Act and the Uniform Commercial Code.

**COUNT 14 - FEDERAL NATIONAL MORTGAGE ASSOCIATION**

42. Wells Fargo services residential mortgage loans in New Jersey for Federal National Mortgage Association (“Fannie Mae”) pursuant to an agreement between the parties.

43. Attached as Exhibit 14 is a list of the pending, uncontested foreclosures in New

Jersey that are being serviced by Wells Fargo in which Fannie Mae is the named Plaintiff and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

44. If the servicer of a Fannie Mae loan also holds a secondary lien on the same property, the Fannie Mae servicing guidelines allow the servicer to file the foreclosure in the name of Fannie Mae. In such cases, such as the cases listed on Exhibit 14, Fannie Mae should have been identified as the lender in the original NOI, because in such cases, Fannie Mae is the holder of the residential mortgage under the Fair Foreclosure Act.

45. Not included in this application are the other cases in which Fannie Mae is not the holder of the residential mortgage and not the Named Plaintiff but where Fannie Mae may have a beneficial interest in the loan. In such cases, the original NOI that was sent that identified Wells Fargo as the lender was accurate, as Wells Fargo was the holder of the residential mortgage at the time of the issuance of the NOI, pursuant to the Fair Foreclosure Act and the Uniform Commercial Code.

#### **COUNT 15 - FEDERAL HOME LOAN BANK OF CHICAGO**

46. Wells Fargo services residential mortgage loans in New Jersey for the Federal Home Loan Bank of Chicago pursuant to an agreement between the parties.

47. Attached as Exhibit 15 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for the Federal Home Loan Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 16 - FTN FINANCIAL**

48. Wells Fargo services residential mortgage loans in New Jersey for FTN Financial, a Division of First Tennessee Bank and some of their affiliates pursuant to an

agreement between the parties.

49. Attached as Exhibit 16 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo FTN Financial and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 17 - GE CAPITAL MORTGAGE SERVICES, INC.**

50. Wells Fargo services residential mortgage loans in New Jersey for GE Capital Mortgage Services, Inc. and some of its affiliates pursuant to an agreement between the parties.

51. Attached as Exhibit 17 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for GE Capital Mortgage Services and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 18 - GMAC BANK**

52. Wells Fargo services residential mortgage loans in New Jersey for GMAC Bank and some of its affiliates pursuant to an agreement between the parties.

53. Attached as Exhibit 18 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for GMAC and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 19 - HSBC BANK, N.A.**

54. Wells Fargo services residential mortgage loans in New Jersey for HSBC Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

55. Attached as Exhibit 19 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for HSBC and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 20 - HUDSON CITY SAVINGS BANK**

56. Wells Fargo services residential mortgage loans in New Jersey for Hudson City Savings Bank and some of its affiliates pursuant to an agreement between the parties.

57. Attached as Exhibit 20 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Hudson City and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 21 - INVESTORS SAVINGS BANK**

58. Wells Fargo services residential mortgage loans in New Jersey for Investors Savings Bank and some of its affiliates pursuant to an agreement between the parties.

59. Attached as Exhibit 21 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Investors Savings and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 22 - JP MORGAN CHASE BANK**

60. Wells Fargo services residential mortgage loans in New Jersey for JP Morgan Chase Bank and some of its affiliates pursuant to an agreement between the parties.

61. Attached as Exhibit 22 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for JP Morgan Chase and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 23 - LA SALLE BANK, N.A.**

62. Wells Fargo services residential mortgage loans in New Jersey for LaSalle Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

63. Attached as Exhibit 23 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for LaSalle Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 24 - LEHMAN BROTHERS**

64. Wells Fargo services residential mortgage loans in New Jersey for Lehman Brothers and some of its affiliates pursuant to an agreement between the parties.

65. Attached as Exhibit 24 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Lehman Brothers and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 25 - LEX SPECIAL ASSETS**

66. Wells Fargo services residential mortgage loans in New Jersey for LEX Special Assets and some of its affiliates pursuant to an agreement between the parties.

67. Attached as Exhibit 25 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for LEX Special Assets and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 26 - MIDFIRST BANK**

68. Wells Fargo services residential mortgage loans in New Jersey for MidFirst Bank and some of its affiliates pursuant to an agreement between the parties.

69. Attached as Exhibit 26 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for MidFirst Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 27 - NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION**

70. Wells Fargo services residential mortgage loans in New Jersey for New York Life Insurance and Annuity Corporation pursuant to an agreement between the parties.

71. Attached as Exhibit 27 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for New York Life and in which Wells Fargo

previously served a NOI that did not include the name and address of the lender.

**COUNT 28 - PNC BANK**

72. Wells Fargo services residential mortgage loans in New Jersey for PNC Bank and some of its affiliated entities pursuant to an agreement between the parties.

73. Attached as Exhibit 28 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for PNC Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 29 - RESIDENTIAL ACCREDIT LOANS, INC.**

74. Wells Fargo services residential mortgage loans in New Jersey for Residential Accredit Loans, Inc. and some of its affiliated entities pursuant to an agreement between the parties.

75. Attached as Exhibit 29 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Residential Accredit Loans and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 30 - RIGGS REAL ESTATE INVESTMENT CORPORATION**

76. Wells Fargo services residential mortgage loans in New Jersey for Riggs Real Estate Investment Corporation pursuant to an agreement between the parties.

77. Attached as Exhibit 30 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo Riggs Real Estate Investment Corporation and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 31 - UBS BANK**

78. Wells Fargo services residential mortgage loans in New Jersey for UBS Bank

and some of its affiliates pursuant to an agreement between the parties.

79. Attached as Exhibit 31 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for UBS and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 32 - UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

80. Wells Fargo services residential mortgage loans in New Jersey for the United States Department of Housing and Urban Development (“HUD”) pursuant to an agreement between the parties.

81. Attached as Exhibit 32 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for HUD and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 33 - U.S. BANK, NATIONAL ASSOCIATION**

82. Wells Fargo services residential mortgage loans in New Jersey for U.S. Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

83. Attached as Exhibit 33 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for U.S. Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 34 - WILMINGTON TRUST COMPANY**

84. Wells Fargo services residential mortgage loans in New Jersey for the Wilmington Trust Company and some of its affiliates pursuant to an agreement between the parties.

85. Attached as Exhibit 34 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Wilmington Trust in which Wells Fargo

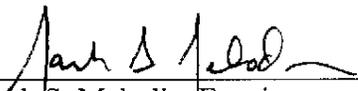
previously served a NOI that did not include the name and address of the lender.

**COUNT 35 – PENDING BANKRUPTCY MATTERS**

86. Attached as Exhibit 35 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for the lenders identified in Counts 1 through 34 that are currently subject to the Automatic Bankruptcy Stay. It is the intention of Wells Fargo to send corrected NOIs in these matters when permitted by the Bankruptcy Court and in accordance with the instructions of this Court.

**WHEREFORE**, Plaintiff respectfully requests that this Court enter an Order permitting Wells Fargo to issue corrected NOIs in an omnibus manner as permitted in the April 4, 2012 Order to include the name and address of the lender in the pending, uncontested foreclosure cases listed on the Corrected NOI List and for such other and further relief as this Court deems just and equitable.

**REED SMITH LLP**

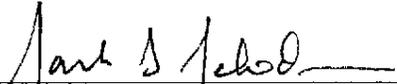
  
\_\_\_\_\_  
Mark S. Melodia, Esquire

Dated:

**CERTIFICATION**

I certify pursuant to Rule 4:5-1 that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, other than the pending foreclosure actions on the Corrected NOI List attached hereto and any pending, separate actions initiated outside of the uncontested foreclosure proceedings in which Foreclosure Defendants may have raised claims concerning, *inter alia*, their NOIs but which are not at issue in this application. I further

certify that I am unaware of any non-party who should be joined in this action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party based on the same transactional facts.

  
Mark S. Melodia, Esquire

Dated:

**VERIFICATION**

STATE OF :  
:  
COUNTY OF :

I, Timothy P. O'Brien, being duly sworn states:

1. I am Senior Vice President, Manager of Default Operations for Wells Fargo, the applicant named in the foregoing Amended Verified Complaint.

2. The allegations in the Amended Verified Complaint are true to the best of my knowledge and belief.

3. The Exhibits attached to the Amended Verified Complaint are true and correct copies.

  
\_\_\_\_\_  
Timothy P. O'Brien

Sworn and subscribed before me  
this 13<sup>th</sup> day of July 2012

  
\_\_\_\_\_



# **EXHIBIT A**

Form Letter to be Attached to Corrected NOIs Pursuant to an Order to Show Cause

[Letterhead of Wells Fargo]

[Date]

[Defendant Name(s)]

[Defendant Address]

[Defendant City, State ZIP]

Re: Order to Show Cause - [Caption and Docket Number of Order to Show Cause]

Dear [Defendant Name(s)]:

Please be advised that the New Jersey Supreme Court recently held in *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012), that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act's requirement that a Notice of Intention to Foreclose set forth the name and address of the lender.

**Why You Are Receiving This Letter**

You are receiving this letter because you are the defendant in a pending foreclosure action, and it is believed that the Notice of Intention to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act.

By the court's Order to Show Cause dated [month] [day], 2012, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, [Hon. Paul Innes, P.J.Ch., Mercer Vicinage or Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage], gave permission to [plaintiff or servicer name] to serve, along with the Order to Show Cause and verified complaint, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012.

**Information About the Order to Show Cause and Verified Complaint**

Enclosed with this letter are copies of the Order to Show Cause and verified complaint. The verified complaint lists the following lenders in the following counts of the verified complaint:

- Count 1 - Bank of America, N.A.
- Count 2 - Bank of New York Mellon
- Count 3 - BankAtlantic
- Count 4 - Bayview Financial
- Count 5 - CitiBank, N.A.
- Count 6 - Commerce Bancorp.
- Count 7 - Copperfield Investments
- Count 8 - Deutsche Bank
- Count 9 - DLJ Mortgage Capital, Inc.

- Count 10 - E\*Trade
- Count 11 - EMC Mortgage
- Count 12 - Federal Deposit Guaranty Insurance Corporation
- Count 13 - Federal Home Loan Mortgage Corporation
- Count 14 - Federal National Mortgage Association
- Count 15 - Federal Home Loan Bank of Chicago
- Count 16 - FTN Financial
- Count 17 - GE Capital Mortgage Services, Inc.
- Count 18 - GMAC Bank
- Count 19 - HSBC Bank, N.A.
- Count 20 - Hudson City Savings Bank
- Count 21 - Investors Savings Bank
- Count 22 - JP Morgan Chase Bank
- Count 23 - LaSalle Bank, N.A.
- Count 24 - Lehman Brothers
- Count 25 - LEX Special Assets
- Count 26 - MidFirst Bank
- Count 27 - New York Life Assurance and Annuity Corporation
- Count 28 - PNC Bank
- Count 29 - Residential Accredited Loans, Inc.
- Count 30 - Riggs Real Estate Investment Corporation
- Count 31 - UBS Bank
- Count 32 - United States Department of Housing and Urban Development
- Count 33 - U.S. Bank, N.A.
- Count 34 - Wilmington Trust Company

The attachments to the verified complaint, which list the foreclosure actions in which the above-named lenders are the plaintiffs, will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website on the attached exhibits to the verified complaint by entering your name into the automatic search field on the website. If you do not have access to a computer or have trouble locating that information on the Court's website, you can contact a representative from Wells Fargo at [number] who can assist you with locating the information about your foreclosure action.

### **Information About the Corrected Notice of Intention to Foreclose**

Also enclosed with this letter is the corrected Notice of Intention to Foreclose. It allows you an additional 30 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' fees. It also sets forth important information about your loan, including information on how you can cure the default; the consequences of failing to cure the default; contact information for the plaintiff; and information about retaining counsel and borrower assistance. If you fail to cure the default by the date set forth in the corrected Notice of Intention to Foreclose, the foreclosure action against you will proceed.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the named plaintiff in the foreclosure action. The corrected Notice of Intention to Foreclose lists the name and address of the current lender on your loan.

### **Questions about the Notice of Intention to Foreclose**

Should you have questions with regard to your loan or the corrected Notice of Intention to Foreclose, please contact [*plaintiff or servicer name*] at [*telephone number*]. Additional contact information is provided in the corrected Notice of Intention to Foreclose.

### **How to File an Objection**

You have the right to object to the enclosed Order to Show Cause (the process by which the court gave the plaintiff permission to serve the corrected Notice of Intention to Foreclose). To do so, you must file a written objection under the docket number for the Order to Show Cause.

You also have the right to object to the enclosed corrected Notice of Intention to Foreclose. To do so, you must file a written objection under the docket number for the foreclosure action in your individual case.

For either type of objection, you must set forth with specificity the basis of the objection, and file the objection with the Superior Court Clerk's Office at the following address within 30 days:

Superior Court Clerk's Office, Foreclosure Processing Services  
Attention: Objection to Notice of Intention to Foreclose  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of the objection on the plaintiff's attorney, [*attorney name*], at [*attorney address*], and mail a copy of the objection to [Judge Innes or Judge McVeigh] at [address].

Your personal appearance at the Superior Court Clerk's Office or your local courthouse will not qualify as an objection. A telephone call will not protect your rights; you must file your objection and serve it on the plaintiff's attorney if you want the court to hear your objection to the relief the plaintiff is seeking. If you file a specific written objection, the case will be sent to a Judge for resolution. You will be informed by the Judge of the time and place of the hearing on your objection.

### **Questions about Filing an Objection**

Should you have questions related to the procedure for filing an objection, please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at [SCCOForeclosure.Mailbox@judiciary.state.nj.us](mailto:SCCOForeclosure.Mailbox@judiciary.state.nj.us).

## **EXHIBIT B**



P.O. Box 1225  
Charlotte, NC 28201-1225

Date

Customer's First Name I. Last Name  
Co-Borrower First Name I. Last Name  
Mailing Address  
City, State Zip Code

RE: Wells Fargo Home Mortgage Loan Number  
Mortgagor(s): Customer's First Name I. Last Name  
Co-Borrower First Name I. Last Name  
Mortgaged Premises: Property Address  
Property City  
Property State  
Zip Code

**NOTICE OF INTENTION TO FORECLOSE**

Dear Borrower(s):

Wells Fargo Home Mortgage (hereafter, "Wells Fargo") services a mortgage (hereafter, the "Mortgage") in the original principal amount of \$ 0.00 on the residential property commonly known as (Property Address) (hereafter, the "Property"), which Mortgage was made on (Origination Date).

Your Mortgage is now in default because you have not made the required payments. The total amount required to cure this default, in other words, the amount required to bring your mortgage current as of (30 days from the date of letter) is as follows:

Monthly payments (principal, interest, and escrow) from (dates of default) are as follows:

Payments- Totaling	\$ 0.00
Total Accrued Unpaid Late Charges (Monthly Late Charge \$ 0.00)	\$ 0.00
Unapplied Funds -	\$ 0.00
Miscellaneous Fees	\$ 0.00
Total Delinquency as of (date of letter)	\$ 0.00

**Your Pre-Foreclosure Action Right to cure this Default**

To avoid the possibility of acceleration, you must pay this amount plus any additional monthly payments, late charges and other charges that may be due under applicable law after the date of this notice and on or before (30 days from date of letter) in CERTIFIED funds, to:

**Payments only address:**

**Wells Fargo Home Mortgage  
1200 W 7th Street  
Suite L2-200  
Los Angeles, CA 90017**

**Correspondence only address:**

Gwendolyn Nesbit  
Wells Fargo Home Mortgage  
Address: 3480 State view Boulevard  
MAC X7802-03H  
Fort Mill, SC 29715  
Phone Number: 1-800-416-1472

Please be advised that Wells Fargo Home Mortgage cannot guarantee that payments received at the "correspondence only address" will be applied within the required timeframes.

If you do not cure this default and bring your account current by (date of letter), then Wells Fargo may take steps to terminate your ownership of the Property by starting a mortgage foreclosure action against you.

If you cure this default before the filing of the foreclosure action, Wells Fargo may not institute a foreclosure action against you for that default; your Mortgage will be reinstated to the same position as if the default had not occurred, and any acceleration of any obligation under the Mortgage or Note will be nullified as of the date of cure.

You have the right to transfer the property to another person subject to the Mortgage; that person will have the right to cure this default, subject to the Mortgage and the Note, and this Notice.

Your Post-Foreclosure Action Right to cure this Default

Even if Wells Fargo starts a mortgage foreclosure action against you, you shall still have the right to cure this default, de-accelerate and reinstate your Mortgage up to the time when a final judgment for foreclosure is entered. To do so, you must pay Wells Fargo, at the address specified above, by cashier's check or certified check, all sums which would have been due in the absence of default and which are due at the time of payment including principal and interest payments, escrow payments and other necessary charges which come due prior to the date of payment and you must perform any other obligation which you would have been bound to perform in the absence of default or the exercise of an acceleration clause, if any. In addition you must pay court costs, if any, and attorney(s) fees in an amount which shall not exceed the amount permitted under the Rules governing the Courts of the State of New Jersey, plus all contractual late charges, as provided for in the Note and Mortgage. You shall not be required to pay any separate charge, fee or penalty attributable to the exercise of your right to cure this default. This right to cure your default, de-accelerate and reinstate the Mortgage after a foreclosure action has been started may only be exercised by you once every 18 months. You have the right to bring a court action to assert the non-existence of a default or any other defense you may have to acceleration and sale.

If you cure the default after a foreclosure action has been started, Wells Fargo shall give written notice of the cure to the Court and, upon such notice, the Court shall dismiss the foreclosure action, without prejudice. Your Mortgage will be reinstated to the same position as if the default had not occurred and any acceleration of any obligation under the Mortgage and Note arising from the default will be nullified as of the cure date.

We urge you to immediately seek the advice of an attorney(s) of your own choosing concerning this residential mortgage default. If you are unable to obtain an attorney(s), you may communicate with the New Jersey Bar Association or the Lawyers Referral Service of the county where the property is located. If you are unable to afford an attorney(s), you may communicate with the Legal Services Office in the county where the property is located. These telephone numbers are listed on the attached sheet; they can also be found in the local telephone directory.

There may be available to you financial assistance for curing a default from programs operated by the state or federal government or non-profit organizations, if any, as identified by the Commissioner of Banking and Insurance. A list of such governmental and non-profit entities is enclosed. You may also wish to call the following numbers to ascertain whether you qualify for such assistance:

- \* HUD Housing Counseling Service 1-800-569-4287
- \* Veterans Affairs 1-800-827-1000
- \* New Jersey Commissioner of Banking 1-609-292-7272
- \*New Jersey Commissioner of Banking Hotline: 1-800-446-7467

If you disagree with Wells Fargo's assertion that a default has occurred, or if you disagree with the correctness of Wells Fargo's calculation of the amount required to cure this default, you may contact Wells Fargo at the following:

Gwendolyn Nesbit  
Wells Fargo Home Mortgage  
Address: 3480 Stateview Boulevard  
MAC X7802-03H  
Fort Mill, SC 29715  
Phone Number: 1-800-416-1472

The lender of your loan is:

(Investor Name 1) position 1184-1383 (10 digit) position 1181-1380 (7 digit)  
(Investor Address 1) position 1384-1633 (10 digit) position 1381-1630 (7 digit)  
(Investor City 1) position 1634-1654 (120 digit) position 1631-1651 (7 digit)  
(Investor State 1) position 1655-1656 (10 digit) position 1652-1653 (7 digit)  
(Investor Zip1) position 1657-1661 (10 digit) position 1654-1658 (7 digit)

Your right to cure this default, as provided in this Notice, is independent of any right of redemption or any other right or remedy under the common law, principles of equity, state or federal statute or rule of court. Financial Assistance for curing your default may be available. Attached you will find a list of possible programs.

Very truly yours,

Wells Fargo Home Mortgage  
Default Management Department

This communication is an attempt to collect a debt and any information obtained will be used for that purpose. However, if you have received a discharge of this debt in bankruptcy or are currently in a bankruptcy case, this notice is not intended as an attempt to collect a debt and, this company has a security interest in the property and will only exercise its rights as against the property.



**P.O. Box 1225  
Charlotte, NC 28201-1225**

Date

Customer's First Name I. Last Name  
Co-Borrower First Name I. Last Name  
Mailing Address  
City, State Zip Code

RE: Wells Fargo Home Mortgage Loan Number  
Mortgagor(s): Customer's First Name I. Last Name  
Co-Borrower First Name I. Last Name  
Mortgaged Premises: Property Address  
Property City  
Property State  
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