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August 27, 2012

**By telecopy 609-951-0824**

Mark S. Melodia, Esq.  
Diane A. Bettino, Esq.  
Wells Fargo Bank, N.A.  
c/o Reed Smith, LLP  
136 Main Street, Suite 250  
Princeton, New Jersey 08540

RECEIVED & FILED  
SUPERIOR COURT OF NEW JERSEY  
AUG 29 2012  
PASSAIC COUNTY

Re: Daniel and Elayne Cotter  
Chapter 13 - Case No.: 09-45059  
Wells Fargo Bank, N.A. v. Cotter - Docket# - F-009564-12

Dear Mr. Melodia and Ms. Bettino:

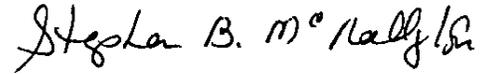
We represent Daniel and Elayne Cotter (the "Cotters"). We are in receipt of the Notice of Intention To Foreclose and the Order to Show Cause entered on July 19, 2012 in the above referenced matter.

Please be advised that this office filed a petition for relief under Chapter 13 of title 11 of the United States Code (the "Bankruptcy Code") on behalf of Daniel and Elayne on December 30, 2009. A copy of the Notice of Bankruptcy Case Filing and filed petition is enclosed for your reference.

As you are aware, Section 362 of the Bankruptcy Code contains a provision which automatically stays all actions against Mr. & Mrs. Cotter. Please note that the service of the Notice of Intention to Foreclose violates the automatic stay.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink that reads "Stephen B. McNally". The signature is written in a cursive style with a large, stylized initial 'S'.

Stephen B. McNally

Enclosure

cc: Superior Court of NJ - Passaic County - Chancery Division  
America's Servicing Co.  
Mr. & Mrs. Daniel Cotter

# Open New Bankruptcy Case

Processing

**U.S. Bankruptcy Court**

**District of New Jersey**

Notice of Bankruptcy Case Filing

The following transaction was received from Stephen B. McNally entered on 12/30/2009 at 12 21 PM EST and filed on 12/30/2009

**Case Name:** Elayne M Cotter

**Case Number:** 09-45059

**Document Number:** 1

**Docket Text:**

Chapter 13 Voluntary Petition filed by Stephen B. McNally of McNally & Busche, L L C on behalf of Elayne M Cotter (McNally, Stephen)

The following document(s) are associated with this transaction

**Document description:**Main Document

**Original filename:**Cotter Petition.PDF

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=1002741850 [Date=12/30/2009] [FileNumber=23925363-0] [4a62d3289353e7a28deda9ef6ebdf047e03df58e876d2bf0c8d3904148454495a90af064aecf83db6fb609591c653a9c8b97d4193a2be1c57c1118ec81bda048]]

**09-45059 Notice will be electronically mailed to:**

U.S Trustees Office

Stephen B McNally on behalf of Debtor Elayne Cotter  
steve@mcnally-law.com, sue@mcnally-law.com

**09-45059 Notice will not be electronically mailed to:**

**United States Bankruptcy Court  
DISTRICT OF NEW JERSEY**

**Voluntary Petition**

Name of Debtor (if individual enter Last First Middle) <b>Cotter, Elayne M.</b>	Name of Joint Debtor (Spouse)(Last First, Middle)
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names) <b>aka Elayne M Jacobus</b>	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names)
Last four digits of Soc Sec or Individual-Taxpayer ID (ITIN) No./Complete EIN (if more than one state all) <b>7110</b>	Last four digits of Soc Sec or Individual-Taxpayer ID (ITIN) No./Complete EIN (if more than one state all):
Street Address of Debtor (No & Street, City and State) <b>19 Harvard Trail Hopatcong NJ</b>	Street Address of Joint Debtor (No & Street, City, and State)
ZIP CODE <b>07843</b>	ZIP CODE
County of Residence or of the Principal Place of Business <b>Sussex</b>	County of Residence or of the Principal Place of Business.
Mailing Address of Debtor (if different from street address). <b>SAME</b>	Mailing Address of Joint Debtor (if different from street address)
ZIP CODE	ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above): <b>NOT APPLICABLE</b>	
ZIP CODE	

<b>Type of Debtor</b> (Form of organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below _____	<b>Nature of Business</b> (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other <hr/> <b>Tax-Exempt Entity</b> (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code)	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input checked="" type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments Rule 1006(b) See Official Form 3A <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only) Must attach signed application for the court's consideration. See Official Form 3B.		<b>Nature of Debts</b> (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose" <input type="checkbox"/> Debts are primarily business debts
Check one box. <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101(51D) <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D)		<b>Chapter 11 Debtors</b> Check if <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000 Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b)

<b>Statistical/Administrative Information</b> <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors	THIS SPACE IS FOR COURT USE ONLY
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000	
<b>Estimated Assets</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s) <p style="text-align: center;"><b>Elayne M. Cotter</b></p>
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**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed <i>NONE</i>	Case Number	Date Filed
Location Where Filed	Case Number	Date Filed

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor** (If more than one, attach additional sheet)

Name of Debtor <i>NONE</i>	Case Number	Date Filed
District	Relationship	Judge

**Exhibit A**

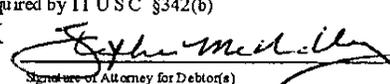
(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11)

Exhibit A is attached and made a part of this petition

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. §342(b)

**X** 

Signature of Attorney for Debtor(s) Date

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

Yes, and exhibit C is attached and made a part of this petition.

No

**Exhibit D**

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

Exhibit D completed and signed by the debtor is attached and made part of this petition.

If this is a joint petition:

Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

**Information Regarding the Debtor - Venue**

(Check any applicable box)

Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

**Certification by a Debtor Who Resides as a Tenant of Residential Property**

(Check all applicable boxes)

Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following)

\_\_\_\_\_  
(Name of landlord that obtained judgment)

\_\_\_\_\_  
(Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

Debtor certifies that he/she has served the Landlord with this certification (11 U.S.C. § 362(l))

**Voluntary Petition**  
*(This page must be completed and filed in every case)*

Name of Debtor(s)  
**Elayne M Cotter**

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b)

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition

X *Elayne M Cotter*  
Signature of Debtor

X \_\_\_\_\_  
Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box)

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X \_\_\_\_\_  
(Signature of Foreign Representative)

(Printed name of Foreign Representative)

(Date)

**Signature of Attorney\***

X *Stephen B. McNally*  
Signature of Attorney for Debtor(s)

**Stephen B. McNally 5335**  
Printed Name of Attorney for Debtor(s)

**McNally & Associates, L.L.C.**  
Firm Name

**93 Main Street**  
Address

**Suite 201**

**Newton NJ 07860**

**973-300-4260**  
Telephone Number

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b), and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer) (Required by 11 U.S.C. § 110)

Address

X \_\_\_\_\_  
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110, 18 U.S.C. § 156*

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition

X \_\_\_\_\_  
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date