RECEIVED
SEP 14 2012
SUPERIOR COURT
CLERK'S OFFICE

September 10, 2012

Superior Court Clerk's Office, Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclosure
PO Box 971
Trenton, NJ 08625
Docket# F-009564-12

To whom it may concern;
I am written to object file and objection with the court as I am in the process of conferring with both ASC and Wells Fargo Bank on rectifying the situation with the mortgage and coming to a solution that will beneficial for all parties. These options include re-modification or reapplying for a new mortgage.

I would request that this court proceeding be postponed until all parties agree that no other solution is possible.

Thank you for your consideration in this matter.

Lali Vardzelashvili
12 Chicago St
Tinton Falls, NJ 07712
Cell Phone 732-997-9606

cc: ASC Mark S. Melodia, Esquire

Miles and Susan Svikhart
38 Winding Brook Way
Shrewsbury, NJ 07702

RECEIVED
SEP 14 2012
SUPERIOR COURT
CLERK'S OFFICE

September 10, 2012

Superior Court Clerk's Office, Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclose
P.O. Box 971
Trenton, NJ 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 No. F-009564-12

Dear Sir or Madam:

Please accept this letter brief in lieu of a more formal reply to Plaintiff's Order to Show Cause.

Under Rule 4:43:3, the Court may set aside the entry of default for good cause shown. R.4:43-3. The New Jersey Supreme Court has stated that the good cause standard is met by a showing of a meritorious defense together with a lack of contumacious behavior. Under New Jersey law, a foreclosing lender is required to strictly comply with the terms of the FFA. EMC Mortgage Corp. v. Chaudhri, 400 N.J. Super. 126, 137-38 (App. Div. 2008). Substantial compliance with the FFA by a foreclosing lender is not sufficient to allow foreclosure. Ibid. "[C]ourts are not free to deviate from the unambiguous statute." Ibid.

The Fair Foreclosure Act states that the notice of intent to foreclose must state "the date by which the debtor shall cure the default to avoid initiation of foreclosure proceedings, which date shall not be less than 30 days after the date the notice is effective." N.J.S.A. 2A:50-56(c)(5). The Notice of Intent to Foreclosure must also be sent by either registered or certified mail. N.J.S.A. 2A:50-56(b). The notice is deemed to have been effectuated on the date that the notice is delivered in person or mailed to the party. Ibid.

Here, Plaintiff did not fully and strictly comply with the Fair Foreclosure Act. Plaintiff admits as much in their notification to me regarding the Order to Show Cause. Because Plaintiff did not issue a proper Notice of Intent to Foreclose, the proper procedural step is for the Court to dismiss the Complaint against me and my wife, send the proper Notice of Intent to Foreclose by certified or registered mail, return receipt requested, and, if default is not cured within thirty days of the effective date, Plaintiff may re-file a foreclosure complaint.

Respectfully Submitted,

MILES SVIKHART
Defendant

cc: Judge McVeigh, J.S.C. (via regular mail)
Mark S. Melodia, Esq. (via regular mail)