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SUPERIOR COURT
CLERK'S OFFICE

September 10, 2012

Superior Court Clerk's Office
Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclose
PO Box 971
Trenton, NJ 08625

To whom it may Concern:

In response to Docket Number F-009564-12. Attached please find a letter from ASC with whom I am working with to obtain a Loan Modification.

I am working with Sherry McLean – Home Preservation Specialist at ASC her number is (877) 893-3606 Ext. 01119

Thank you,

Donna Howard

Donna Howard 9/10/12

Scott Howard

Scott Howard 9/10/12

REED SMITH LLP
Formed in the State of Delaware
Mark S. Melodia, Esquire
Diane A. Bettino, Esquire
Princeton Forrestal Village
136 Main Street, Suite 250
Princeton, New Jersey 08540
Tel. (609) 987-0050

Attorneys for Wells Fargo Bank, N.A.

FILED
JUL 18 2012
Chancery/General Equity

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	**SUPERIOR COURT OF NEW JERSEY** **CHANCERY DIVISION** **PASSAIC COUNTY** **DOCKET NO.: F-009564-12** **CIVIL ACTION** **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") to the defendant mortgagor and/or parties obligated on the debt ("Foreclosure Defendants") in the pending, pre-judgment, uncontested foreclosure cases listed on the Exhibits 1 through 34 to the Amended Verified Complaint ("Corrected NOI List") 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;

3. Wells Fargo will serve the corrected NOI, the Explanatory Letter and a copy of this Order to Show Cause (collectively, the "OSC Package"), via certified mail, return receipt requested and regular mail at the last known address of the 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]

4. A copy of Wells Fargo's complete application to this Court shall be loaded onto the New Jersey Courts website within 5 days of the date of this Order where it will be available for review by the general public at the website link -- http://www.judiciary.state.nj.us/. and all attachments will be provided in searchable PDF's Files

5. In addition to providing service of the OSC Package by certified and regular mail, Wells Fargo will, within 2 days ~~of the date of this Order~~ Prior to Sept 1, 2012, provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: Star Ledger, Bergen Record, The Press of Atlantic City, Gloucester County Times

6. Wells Fargo shall file with the Court its proof of service of the OSC Package on Foreclosure Defendants on the Corrected NOI List in the manner consistent with this Order no later than nine (9) days before the return date.

7. You [Foreclosure Defendants] have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave Wells Fargo permission to serve the corrected NOI). To do so, you must file a written objection under the docket number listed on the first page of this Order for this case. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address ~~within ___ days~~: on or before September 24, 2012.

[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, if known and available.

Superior Court in Mercer County, with a copy to Judge McVeigh and to each Foreclosure Defendant who filed an opposition.

10. 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.

11. 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 by Wells Fargo no later than nine (9) days before the return date.

12. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause.

13. 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 or stay is lifted. In such circumstances, the following procedure shall be used. Wells Fargo shall mail the OSC Package within 45 days of the lifting of the stay or 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, or the Court handling your foreclosure action will not be able to consider your objection.

J.S.C.

HELPING YOU STAY IN YOUR HOME.

MAKING HOME AFFORDABLE

ASC
AMERICA'S SERVICING COMPANY

Loan No.: 1115003315

August 30, 2012

SCOTT HOWARD and DONNA HOWARD
6 BARTLE RD
FRANKLIN TOWNSHIP, NJ 08873

Subject: Important information about your HAMP request

Dear **SCOTT HOWARD and DONNA HOWARD**:

We are evaluating your mortgage for a modification
We want to help you stay in your home and are currently evaluating your mortgage for eligibility for the Home Affordable Modification Program (HAMP), which would modify your loan terms and make your monthly payments more affordable.

If you qualify for HAMP, you will enter a "trial period"
Before your loan can be modified, you will need to successfully complete a trial period plan by making all trial payments on the dates they're due and meeting all other requirements. We will send you a Trial Period Plan Notice in the mail, which explains how the trial period works, and what your new trial payment amount will be. This amount will temporarily replace your current mortgage payment during the trial period. To accept the terms of the Trial Period Plan, all you need to do is send us your first trial payment by the specified due date.

If you don't qualify or don't comply with trial period terms, we will send you a Non-Approval Notice. Examples of not meeting the terms of the Trial Period Plan include not making your payments on time, or not sending us the required documents. You have 30 days to review the reason for your non-approval and contact us to discuss any concerns you may have. During this 30-day review period, we may continue with the pending foreclosure action, but no foreclosure sale will be conducted and you will not lose your home.

We have other options that may help you avoid foreclosure
If you are not approved for HAMP, or if you cannot afford to make your trial payments, or if you decide to leave your home, please contact us as soon as possible to explore other ways to avoid a foreclosure.

Get help if you have questions
We want to help you if we can. If you have any questions about the foreclosure process or the evaluation of your HAMP request, please call the phone number below.

Requirements to avoid foreclosure during the HAMP evaluation process and the Trial Period

During the HAMP evaluation process:
- If your loan has been previously referred to foreclosure, we are obligated* to continue the foreclosure process while it is evaluated for a HAMP modification. You will receive communications from a third-party attorney that are different and separate from our HAMP-related communications. Read all foreclosure notices and take the required action. This will help protect your rights under foreclosure law.
- If foreclosure proceedings were not initiated prior to the HAMP evaluation, your loan will ***not*** be referred to foreclosure.
- You will not lose your home during the HAMP evaluation period as long as you:
  - Return all requested documentation
  - Communicate actively with your Home Preservation Specialist

During the HAMP trial period:
- The foreclosure process will be halted and foreclosure sale will not be scheduled as long as you:
  - Comply with the terms of the trial period plan and make all your payments on time
  - Communicate actively with your home preservation specialist

Failure to qualify for HAMP or comply with the requirements of the HAMP evaluation or Trial Period will result in a HAMP non-approval:
- You may be granted a 30 day grace period to review your Non-Approval Notice.
- During this period, we may continue with pending foreclosure action, but a foreclosure sale will not be conducted and you will not lose your home.

**The decision to stop the foreclosure process or sale is made by the investor*

If you have questions about the legal consequences of foreclosure, please contact an attorney or housing counselor for assistance. You can also call the Homeowner's HOPE™ Hotline at 1-888-995-HOPE (4673). They offer free HUD-certified counseling services in English and Spanish, and can help answer any questions you have.
Sincerely,

Sherry Mclean
Home Preservation Specialist
877-893-3606 Ext. 01119
America's Servicing Company

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.

We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report.

With respect to loans located in the State of California, the state Rosenthal Fair Debt Collection Practices ACT and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats or violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collections activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

HELPING YOU STAY IN YOUR HOME.

MAKING HOME AFFORDABLE

You may be able to make your payments more affordable.

Act now to get the help you need!

August 30, 2012

SCOTT HOWARD and DONNA HOWARD
6 BARTLE RD SOMERSET, NJ 08873

Loan No.: **1115003315**
Property Address: **6 BARTLE RD FRANKLIN TOWNSHIP, NJ 08873**

Dear **SCOTT HOWARD and DONNA HOWARD,**

As your mortgage servicer, we want to help you stay in your home. We want you to know there is a program available that may help you. If you qualify under the federal government's Home Affordable Modification Program and comply with the terms of the Home Affordable Modification Program Trial Period Plan, we will modify your mortgage loan and you can avoid foreclosure.

How can you find out if you qualify? Just follow the steps below and let us know that you need help, TODAY!

STEP 1 GATHER THE INFO WE NEED TO HELP YOU

Detailed instructions on what you need to do to take advantage of this program are set forth on the enclosed document entitled "Complete Your Checklist." Generally, you will need to:

- *Explain the financial hardship that makes it difficult for you to pay your mortgage loan using the Request for Mortgage Assistance (RMA)*
- *Submit the required documentation of your income.*
- *Make timely monthly trial period payments.*

If you meet the eligibility criteria, you will be offered a Trial Period Plan. The monthly trial period payments will be based on the income documentation that you provide. They will be an estimate of what your payment will be if we are able to modify your loan under the terms of the program.

If you do not qualify for a loan modification, we will work with you to explore other options available to help you keep your home or ease your transition to a new home.

Be sure you continue making your regular mortgage payments until you hear from us about your eligibility for this program. When we receive your completed documents and verify your information, we'll determine if you qualify for a Home Affordable Modification of your loan. During this review period, your home will not be referred to foreclosure or sold at a foreclosure sale.

STEP 2 COMPLETE AND SUBMIT

Please complete the enclosed forms and submit all the required income documentation by no later than **September 14, 2012**. Now is the time to act. We are ready to help you. Please take the steps outlined on the enclosed document "Complete Your Checklist." If you have any questions, please contact us at **877-893-3606 Ext. 01119**.

Sincerely,

Sherry Mclean
Home Preservation Specialist
877-893-3606 Ext. 01119
America's Servicing Company