FILED Sep 21, 2012

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SUPERIOR COURT
CLERK'S OFFICE

Eric Simkin
9 Benjamin West Way
Marlton, NJ 08053

Thursday, September 20, 2012

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

R/e Docket NO. F-009564-12
Civil Action
Objection to Order to Show Cause

Hon. Margaret Mary McVeigh,
I am writing this letter to notify the court that I object in this proceeding to this Order to Show Cause

I can show excusable neglect and valid defenses but need to obtain counsel to present in the proper format.

I was of the understanding that Sun Bank had answered the complaint and that I did not need to answer since I clearly asked if I needed to file an answer and was not properly advised I feel at the very least, the default judgment should be vacated and I be allowed time to file an answer but after reviewing the court records, it appears that based on new information, the case should be dismissed

Furthermore, I contacted Legal Services of New Jersey shortly after receiving the package containing the order to show cause and revised Notice of Intent I could not get a phone appointment until September 25, 2012 which is one day after this objection is due to the court So I am drafting this objection without the advice of a lawyer I do apologize if it is in the incorrect format

I also went to Trenton to ask for a copy of all of the court documents pertaining to the foreclosure litigation that occurred between Wells Fargo, ASC, (I am still not sure of their relationship or who my lender is as every document I look at has a different entity on it) I found that it appears that The lender does not have proper standing and I therefore am requesting that the pending foreclosure action be dismissed with prejudice
According to the "corrected notice of default" it states.

"If you do not cure this default and bring your account current by 9/17/2012, then America's Servicing Co. may take steps to terminate your ownership of the Property by starting a mortgage foreclosure action
against you"

I see no way to interpret this language other than that any existing foreclosure action will be dismissed (as it should be according to the FFA) and that a new foreclosure action would be filed which would give me the right to contest the action and assert my affirmative defenses including excusable neglect in the existing action for not filing an answer and the existing action be dismissed.

I also attempted to contact ASC to gather facts about the NOI per the instructions and asked to speak with:

Randy Bockenstedt, Senior Vice President
America's Servicing Co.
Address. 3480 Stateview Boulevard
MAC X7802-03H
Fort Mill, SC 29715
Phone Number 1-800-868-0043

I was not able to be connected to this person after asking at least a dozen times to speak with the party named in the "corrected" NOI How can a cure be established if an alleged defendant/mortgagor cannot contact the party who holds authority to remediate a cure? When you give the alleged loan number, they simply tell you your loan is in foreclosure and no sale date has been set and will not allow you to speak with the party named in the NOI even though the NOI specifically states the appropriate point of contact. This is yet another tactic to force a lapse of time to workout issues on alleged debts that are not substantiated.

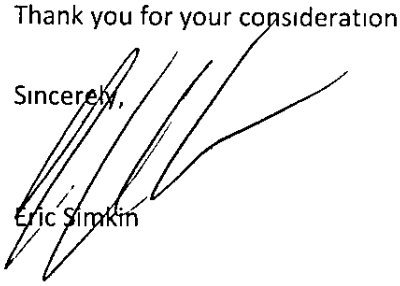
Further, I request a MIN Milestone Summary Report from MERS (Mortgage Electronic Registration Systems) as based upon information and belief, said report will prove that the lender/mortgagee (plaintiff) lacks standing due to fraudulent foreclosure practices whch violate several sections of the UCC and FFA

Lastly, in the attached proof of service, I was not personally served the summons so I would like an accounting of the date the alleged default occurred according to the counting of time allowed by the FFA

I also ask that no further action occur until I speak with Legal Services of New Jersey I have attached confirmation that I have the appointment with them on September 25 as exhibit 3

Thank you for your consideration

Sincerely,



Eric Simkin

Cc, Reed Smith LLP
C/o Mark Melodia
Princeton Forrestal Village
136 Main St
Princeton, NJ 08540

Cc; Superior Court of New Jersey
c/o Judge McVeigh
Pasaiic County Courthouse, Chambers 100
71 Hamilton Street
Paterson, NJ 08625

CERTIFICATION OF SERVICE

I HEREBY CERITICY ON THIS 20TH DAY OF September, 2012 a copy of the foregoing objection to the corrected notice of intention to foreclose was sent to:

Superior Court Clerk's Office, Foreclosure Processing Services
PO Box 971
Trenton, NJ 08625

A copy was also sent to:
Cc; Reed Smith LLP
C/o Mark Melodia
Princeton Forrestal Village
136 Main St
Princeton, NJ 08540

A copy was also sent to.
Cc, Superior Court of New Jersey
c/o Judge McVeigh
Passaic County Courthouse, Chambers 100
71 Hamilton Street
Paterson, NJ 08625

A copy was also sent to:
Randy Bockenstedt, Senior Vice President
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Address: 3480 Stateview Boulevard
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