

**CMK CARROLLMCNULTYKULL LLC**  
COUNSELLORS AT LAW

120 Mountain View Boulevard  
Post Office Box 650  
Basking Ridge, New Jersey 07920  
908 848 6300 PHONE  
908 848 6310 FAX

570 Lexington Avenue  
8th Floor  
New York, New York 10022  
212 252 0004 PHONE  
212 252 0444 FAX

Shaun I. Blick, Esq.  
Direct Dial: 908.848.1247  
sblick@cmk.com

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SUPERIOR COURT  
CLERK'S OFFICE

September 20, 2012

VIA FEDEX

Hon. Margaret M. McVeigh, P.J.C.D.  
Superior Court of New Jersey  
Old Courthouse  
71 Hamilton Street  
Paterson, New Jersey 07505

RE: IN RE APPLICATION BY WELLS FARGO BANK, N.A.  
Docket No. F-009564-12

Dear Judge McVeigh:

This firm represents Edward and Molly Tonerero (the "Toneros") in connection with certain loans entered into by the Toneros with, and mortgages given to, Wells Fargo Bank, N.A. and/or its subsidiaries and affiliated entities (collectively "Wells Fargo"). We respectfully submit this letter brief in lieu of a more formal brief in objection to Wells Fargo's Order to Show Cause seeking permission to serve upon certain defendants in foreclosure, including the Toneros, corrected Notices of Intent to Foreclose which were, from the outset, deficient and improper - by Wells Fargo's own admission.

It is respectfully submitted that Wells Fargo's failure to protect its own rights in accordance with the Fair Foreclosure Act, together with its irresponsible prosecution of cases in which Wells Fargo lacked the initial standing to sue due to the admitted technical deficiencies, as in the case against the Toneros, requires the Court to deny the relief sought on this Order to Show Cause. Moreover, a result to the contrary would prejudice those litigants who have spent time, money and incurred the aggravation associated with defending against the foreclosure of their homes when Wells Fargo never met the statutory preconditions for the filing of a lawsuit in the first place.

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As the Court is aware, a Notice of Intent to Foreclose in accordance with N.J.S.A. 2A:50-56 must be filed by a mortgage lender at 30 days in advance of the filing of a complaint in foreclosure. By Wells Fargo's own admission, it proceeded to commence lawsuits against numerous homeowners seeking to foreclose, when it failed to meet the statutory preconditions for standing in accordance with the statute.

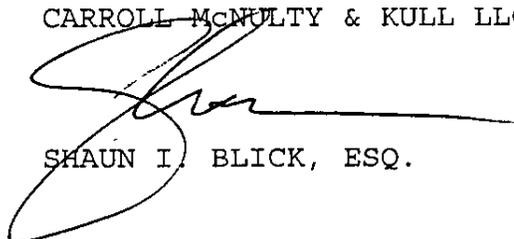
As a consequence, Wells Fargo lacked standing, yet it proceeded to commence litigation thereby clouding the title of litigants' real property; potentially amounting to a slander of title. Moreover, litigants such as the Toneros, who have worked out certain settlement agreements and/or stipulations of settlement have been operating under the mistaken belief, and, in fact, negotiated with Wells Fargo under false misrepresentations, that their arrangements were valid as a matter of law; when in fact, Wells Fargo's basis of negotiating was predicated on procedural, and ultimately substantive, missteps.

Defendants Edward and Molly Tonero respectfully submit their objection and further request that the Court issue an order: 1) invalidating any judgments and/or settlements, whether judicial or by consent, entered into by the Toneros for the benefit of Wells Fargo; 2) requiring that Wells Fargo reimburse the Toneros for their counsel fees and costs associated with defending all actions prosecuted by Wells Fargo, which were subject to deficient Notices of Intent to Foreclose; and 3) requiring an authorized representative of Wells Fargo, who has settlement authority, to attend foreclösure mediation in order to work toward a resolution with the Toneros.

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Oral argument is respectfully requested.

Very truly yours,  
CARROLL MCNULTY & KULL LLC



SHAUN I. BLICK, ESQ.

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

Mark S. Melodia, Esq.  
Reed Smith LLP  
Princeton Forrestal Village  
736 Main Street  
Princeton, New Jersey 08540