RECEIVED MONDAY 9/24/2012 11:50:26 AM 9695493 FILED Sep 24, 2012

JOSEPH A. CHANG & ASSOCIATES, L.L.C.
ATTORNEYS AT LAW
951 Madison Avenue
Paterson, New Jersey 07501
Phone: (973) 925-2525
Fax: (973) 925-9090
www.josephchanglaw.com

JOSEPH A. CHANG *
JC@JOSEPHCHANGLAW.COM

MICHAEL A. CASSATA
MC@JOSEPHCHANGLAW.COM

SALMAN A. ISMAT *
SI@JOSEPHCHANGLAW.COM

KARENA J. STRAUB *
KS@JOSEPHCHANGLAW.COM

DAVID R. CUBBY *
DC@JOSEPHCHANGLAW.COM

* ADMITTED NY/NJ

September 24, 2012

VIA HAND DELIVERY
Honorable Margaret M. McVeigh, P.J. Ch.
Passaic County Superior Court of New Jersey
77 Hamilton Street
Paterson, New Jersey 07501

Re: In Re Application by Wells Fargo Bank, N.A. to Issue Corrected Notice of Intent to Foreclose on Behalf of Indentified Foreclosure Plaintiffs in Uncontested Cases
Order to Show Cause Docket No. F-009564-12
Docket No: F-08828-10 (Passaic)

Dear Judge McVeigh:

This firm is counsel to Defendants Blanca Cabrel ("Defendant") in the above captioned matter. Please find enclosed objection to Wells Fargo Bank N.A. Order to Show Cause and Objection to the Proposed Corrective Notice of Intent to Foreclose, which is being filed with JEFIS.

Should you have any questions, please do not hesitate to contact our office. Thank you your attention to this matter.

Very truly yours,
JOSEPH A. CHANG & ASSOCIATES, LLC

Karena J. Straub

KJS/em
cc: Mark Melodia, Esq. (Via Hand Delivery, with enclosures)

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Blanca Cabrel

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 OBJECTION TO ORDER TO SHOW CAUSE

Blanca Cabrel, recipients of applicant's Order to Show Cause and defendants in Docket No. F-8828-10, object to Wells Fargo Bank, N.A.'s order to show cause for the following reasons:

Objection: Counsel did not receive notice of the pending action.

Counsel has appeared of record in the underlying foreclosure action referenced in the exhibit to the Order to Show Cause. However, counsel was not notified by Wells Fargo that an Order to Show Cause had been issued which affects the proceedings in the foreclosure matter. Instead, Wells Fargo chose to communicate directly with the clients outside of the presence of counsel in violation of the Rules of Court and the Rules of Professional Conduct. R. 1:5-1 and 2; RPC 4.2. This particular party is out of the country and has not been apprised of the situation. Counsel's due diligence in searching the voluminous exhibits, however, revealed which clients were subject to the Order and permitted Counsel to move forward, despite Wells Fargo's disregard for the rules.

Objection: Notice of Intent deficiency issues have been raised in applications filed under the foreclosure dockets.

Certain homeowners have properly brought the issue before the Chancery Court and have been litigating in search of a remedy appropriate to the circumstances of the case. To permit Wells Fargo to correct the Notices of Intent at this point would be fundamentally unfair to the homeowners who have raised the issue with the court and are seeking and order, reconsideration, or an appeal of the decision. Permitting the proposed corrections strips the homeowners of the rights they have asserted in presenting the issue within the foreclosure action. The more proper approach should be to either discontinue the foreclosures where NOI problems exist or have

them proceed with the problem addressed by the county. The corrected form of the NOI should only be permitted to be used going forward for actions yet to be filed.

Objection: Wells Fargo did not attach the Complaint to the issued notices and Defendant rejects such improper service.

Contrary to Rules of Court R. 4:67-2 and R. 4:52-1(b), a copy of the complaint was not attached to the explanatory letter served upon defendants subject to the Order to Show Cause, despite the letter's reference to the complaint. Such absence is confusing to defendants and creates imperfect service. Applicants were excused from serving the exhibits to the complaint on every homeowner, but they were not excused from serving the complaint at all. As such, Applicant did not serve the complaint in compliance with the court rules, proper service of the Order to Show Cause has not been effectuated, and the fundamental due process rights of the homeowners have been violated.

Objection: The language of the proposed Notice of Intent to Foreclose is misleading.

All of the mortgagors identified in the Order to Show Cause are defendants in active foreclosure litigation with the debt accelerated as due in full. However, the proposed corrective Notice of Intent to Foreclose indicates that the mortgagor is in a pre-foreclosure status, that the debt may be accelerated, and that the servicer will start a mortgage foreclosure action upon failure to forward the amount indicated. It later says "even if America's Servicing Co. starts a mortgage foreclosure action against you…," which again indicates that such an action has not already been commenced.

These notices are not tailored to the situation at hand and are written in a manner that is confusing to the mortgagor. The majority of persons affected by the Order to Show Cause have not retained counsel and will be misled by the language contained therein. It appears that the moving party is merely attempting to use judicial resources to approve a proposed form for future notices without regard for the deficiencies they are currently encountering. This form does not clearly indicate the nature and status of the debt and litigation as to the parties it is meant to effect. This is merely an attempt to sweep past mistakes under the rug without actually addressing the gravity of the situations that have arisen due to those mistakes.

There are many reasons the homeowners may not be participating in the case, including improper service of process. To permit the language of the NOI as it is presented, without reference to the pending foreclosure action, is unjust and misleading. It is an often quoted maxim in chancery that he who seeks equity must do equity. Here, Wells Fargo is seeking an equitable remedy permitting them to correct their own errors in violating the specific language of the Fair Foreclosure Act, which indicates that the complying Notice of Intent *shall* be sent prior to the filing of a foreclosure complaint. However, Wells Fargo is now seeking equitable relief in the form of judicial permission to correct their many statutory violations on a broad basis after the filing of a foreclosure action. If this action is permitted, the equities will not be balanced. The homeowners will be harmed by this action unless the Order to Show Cause is denied or reformed to undo the entry of default and permit responsive pleadings as to all affected homeowners.

Objection: Wells Fargo did not properly identify the parties and actions named as subject to the Order to Show Cause.

The Order to Show Cause specifically states that it applies to uncontested foreclosure actions that are prior to final judgment. (July 19, 2012 Order of Hon. Margaret Mary McVeigh, page 1, "to the defendant mortgagor and/or parties obligated on the debt ... in the pending, pre-judgment, uncontested foreclosure cases..."). However, there are parties identified who are not within this specific identified class. The list contains errors, which have been specifically identified with respect to the clients of Joseph A. Chang & Associates, LLC but likely exceed the identified errors, such as improper identification of plaintiff's counsel (Phelan named when Reed Smith is active counsel, see F-057565-10), improper identification of the action as uncontested (see F-057565-10), and improper identification of the action as prior to final judgment (see F-15048-08 and F-36708-08). Wells Fargo is again indicating to the court, as it did in 2010 when the State felt obligated to intervene in pending foreclosure actions, that they are not able to keep proper records and proceed with the due diligence necessary to strip a person of their home. If they cannot even identify which actions are contested or post final judgment, how are they to be trusted to properly identify which parties are in default and which parties have cured?

Objection: The improper party has brought the Order to Show Cause.

The Order to Show Cause has been brought by Wells Fargo Bank, N.A. However, Wells Fargo's name does not appear anywhere within the documents or corrected Notice of Intent to Foreclose as servicer or owner of these mortgages. The party identified in the explanatory letter and Notice of Intent as bringing the action is America's Servicing Company. ASC does not identify their connection to Wells Fargo, nor do they explain why Wells Fargo would bring the legal action while all documents to the homeowners are sent in the name of ASC. The Order to Show Cause would be more properly brought by the entity actually servicing the loan, ASC. Since they have failed to do so, however, they should not be permitted any more opportunities to fix yet another in a long string of egregious errors.

Objection: Wells Fargo has not provided reliable contact information for questions and concerns.

The Fair Foreclosure Act demands than an individual be named in the Notice of Intent who can address the many concerns a homeowner might have when receiving a notice. In the proposed corrective notices, Wells Fargo appears to recognize this mandate and has placed an individual's name for contact purposes. However, it is evident that Wells Fargo has not made a good faith effort to permit homeowners to contact the named party.

Wells Fargo has not provided actual contact information in the correspondence section for the named party. They have provided a phone number and mailing address for Randy Bockenstedt that is inaccurate and does not provide a line of communication to the identified party. Seven certifications are available upon request from clients of Joseph A. Chang & Associates, LLC who received the Order to Show Cause and attempted to contact Randy

Bockenstedt. Many different parties answered the phone on behalf of ASC, but none were able to provide a line of communication to Randy Bockenstedt.

Most persons answering the phone were not aware of who he was. One representative suggested contacting the legal department via facsimile or the loan specialist named on their internal account records. This information was not provided in the cover letter, NOI, or any other document available to the borrower. One representative indicated that Randy Bockenstedt was located in a Dallas, TX office, which is also at odds with the Fort Mill, SC address provided. The contact information for Randy Bockenstedt has been provided in every cover letter and Notice of Intent to Foreclose that is subject to this Order to Show Cause and effects all named parties as a whole.

In addition to the improper contact information, the staff members who did answer the phone were not trained to appropriately answer the questions posed. They did not know who the named party was. They did not know about the issued proposed corrective notices. They could not provide appropriate contact information or advise. In general, they were not prepared to address the myriad of issues that could by raised by homeowners facing one of the most difficult and stressful situations of their lives. At the very least, Wells Fargo should have waited until their staff was appropriately prepared to handle the issues presented before filing the present Order to Show Cause application.

Objection: Wells Fargo did not properly serve the identified list of homeowners.

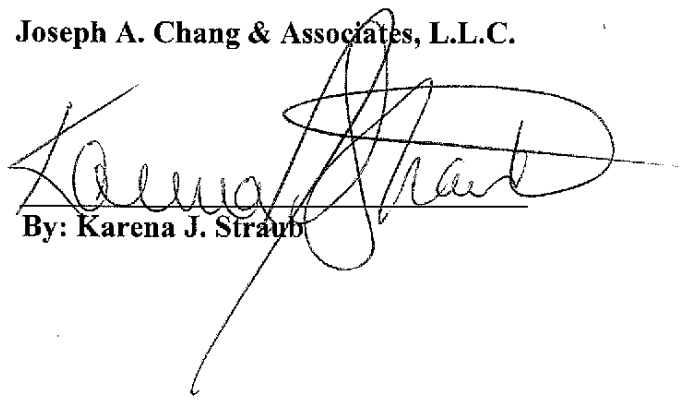
The Order to Show Cause requires that the packages be sent certified and regular mail to all homeowners identified in the exhibit. The only exception pertained to married borrowers. The certified mail copy of the packages was not received by the homeowners, and it is believed that Wells Fargo only sent the packages via regular mail. Additionally, certain homeowners identified in the exhibits did not even receive the regular mail copy of the package. Counsel's due diligence permits a response on their behalf, but many of the homeowners identified in the exhibit are not represented by counsel and do not have a 3rd party protecting their interests.

Objection: Wells Fargo is improperly using judicial resources to address an issue more properly determined by the legislature.

Wells Fargo is attempting to create a safe harbor form with judicial approval. The judiciary, however, should not be asked en masse to approve a business form for a private corporation in an effort to circumvent the normal judicial process. Wells Fargo has brought one action regarding hundreds of borrowers requiring significant time and resources of the judiciary to save their own resources by not bringing each action in the individual matter it affects. This does not constitute judicial efficiency, so much as corporate savings for the movant. If the legislature intended that there be one specific form that addressed all of the issues required by a Notice of Intent to Foreclose, they would have added such a form to the statute. Their declining to do so is not to be seen as an oversight, but as an indication of their intent. Wells Fargo did not treat this application seriously enough to be entitled to the relief sought.

For the reasons stated above and for those reasons that may be raised in the additional objections, it is respectfully requested that Wells Fargo's Order to Show Cause be denied in its entirety and/or denied as to the specifically identified homeowner at issue in this objection. It is also respectfully requested that counsel fees be awarded in favor of the identified homeowners.

Joseph A. Chang & Associates, L.L.C.



DATED: September 24, 2012

By: Karena J. Straub

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Defendant Blanca Cabrel

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** CERTIFICATION OF FILING AND SERVICE

I, Elizabeth Marriott, am a paralegal at the law firm of Joseph A. Chang & Associates, L.L.C., counsel for Defendant Blanca Cabrel ("Defendant"). I hereby certify that on September 24, 2012, the original of the within Opposition to Wells Fargo Bank N.A. Order to Show Cause caused to be filed with the Clerk, Superior Court of New Jersey, via JEFIS E-Filing.

I further certify that on September 24, 2012, a copy the within Opposition was served upon:

Mark Melodia, Esq.
ReedSmith LLP
Princeton Forrestal Village
136 Main Street - Suite 250
Princeton, New Jersey 08540-7839
Counsel for Wells Fargo Bank N.A.

And

Honorable Margaret M. McVeigh, P.J.Ch.,
Passaic County Superior Court
77 Hamilton Street
Paterson, New Jersey 07306

I hereby certify that the foregoing statements made by me area true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

JOSEPH A. CHANG & ASSOCIATES, LLC

September 24, 2012

/s/ Elizabeth Marriott
Elizabeth Marriott