

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

KARENA J. STRAUB *
KS@JOSEPHCHANGLAW.COM

SALMAN A. ISMAT *
SI@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 Identified Foreclosure
Plaintiffs in Uncontested Cases
Order to Show Cause Docket No. F-009564-12
Docket No: F-3679808 (Bergen)**

Dear Judge McVeigh:

This firm is counsel to Defendants Sergio D. Lopez and Rosa A. Lopez ("Defendants") 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 Sergio D. Lopez and Rosa A. Lopez

<p>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</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY Docket No.: F-009564-12</p> <p><u>Civil Action</u></p> <p>OBJECTION TO ORDER TO SHOW CAUSE</p>
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Sergio D. Lopez and Rosa A Lopez, subject of applicant's Order to Show Cause and defendant in Docket No. F-36708-08, object to Wells Fargo Bank, N.A.'s order to show cause for the following reasons:

Objection: Sergio D. Lopez is not properly within the class of homeowners identified by the Order to Show Cause.

The order to show cause was authorized specifically for pre-judgment foreclosure cases. Mr. Lopez is post final judgment. Counsel has argued a Motion to Vacate Final Judgment under Docket No. F-36708-08 which, among other items, addressed the issue of the sufficiency of the Notice of Intent to Foreclose and an appeal is now pending under Docket No. A-004689-11T2. As such, Mr. Lopez objects to being subject to the order to show cause and the permission to file a corrective Notice of Intent to Foreclose. He asks that this Court deny the order to show cause as it directly effects his home. This request is outside of the class of homeowners identified as subject to the Order to Show Cause.

Objection: Sergio D. Lopez did not receive notice of the pending action

Although Mr. Lopez's name and docket number appear in the exhibits to Wells Fargo's application for an order to show cause, the explanatory letter, corrective Notice of Intent, copy of the Order and copy of the complaint were never sent to him. Mr. Lopez is submitting this objection due to counsel's due diligence in locating his information on the exhibit list. Mr. Lopez was never personally served and his inclusion in this Order to Show Cause would violate his due process rights. The attached certification of Mr. Lopez affirms that he never received any documents related to this Order. Mr. Lopez respectfully requests that he be excluded from the Order to Show Cause, as he still has not obtained copies of the documents, has not been

afforded the opportunity to review the proposed corrections and cannot properly object to the form and nature of the proposed corrections.

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. Counsel's due diligence in searching the voluminous exhibits revealed which clients were subject to the Order. When contacted by Counsel to obtain copies of the packages, it was also discovered that Mr. Lopez had not received the explanatory letter and proposed corrected Notice of Intent.

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

Counsel has filed objections to the sufficiency of the Notices of Intent filed with the county in pending actions. Counsel has properly brought the issue before the Chancery Court and has 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, as they have raised the issue with the court and are seeking reconsideration/appeal of the decision. Permitting the proposed corrections at this juncture strips the homeowners of the rights they have asserted in presenting the issue within the foreclosure action.

Objection: Wells Fargo did not send 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 served upon defendant subject to the Order to Show Cause. 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: 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: 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.

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

The Fair Foreclosure Act demands that 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.

Based on the receipt of documents for other clients, Counsel advised Mr. Lopez to contact Randy Bockenstedt. 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. Mr. Lopez's certification indicates that employees of Wells Fargo could not indicate whether he was actually subject to this Order and could not provide him contact information for any employee with knowledge.

In other instances, most persons answering the phone were not aware of who Randy Bockenstedt 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

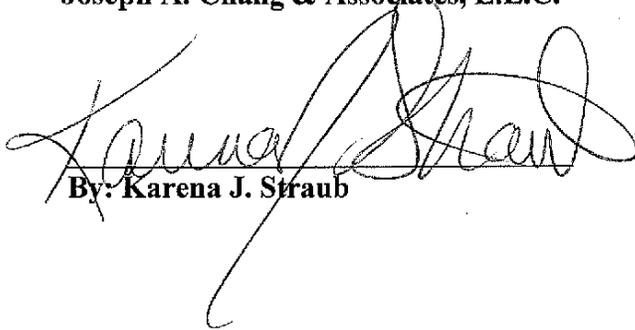
provided in every cover letter and Notice of Intent to Foreclose that is subject to this Order to Show Cause and effects all named parties as a whole.

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 be 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.

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 Mr. Lopez. It is also respectfully requested that counsel fees be awarded in favor of Mr. Lopez for bringing this action against a party not appropriately within the defined class and forcing Mr. Lopez to object to an Order which was not properly served upon him.

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

DATED: September 22, 2012



By: Karena J. Straub

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Sergio D. Lopez and Rosa A Lopez

<p>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</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY Docket No.: F-009564-12</p> <p style="text-align: center;"><u>Civil Action</u></p> <p style="text-align: center;">AFFIDAVIT OF SERGIO D. LOPEZ</p>
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I, Sergio D Lopez, of full age, hereby depose and say:

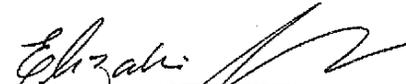
1. My wife Rosa A Lopez and I are the named Defendants in the foregoing action. The subject property is located at 333 Kinderkamack Road, River Edge, New Jersey 07661 (the "Property").
2. I never received correspondence from America's Servicing Company ("ASC) pertaining to Wells Fargo Bank N.A. Order to Show Cause. I understand that ASC correspondence included an introductory letter, a Notice of Intention to Foreclosure ("NOI") and an Order to Show Cause ("OSC") dated August 14, 2012.
3. I was advised my attorney's office that my name and my property appears on the OTSC list of October 3, 2012. My attorney's office shared with me a similar notice. Pursuant to the instructions of the introductory letter and the NOI, I proceeded to contact Randy Bockenstedt, Senior Vice President at the number provided in this documents (1-800-868-0043) as (1) I wanted to confirm if I was part of the list, (2) I wanted to confirm service of the Notice (3) I had additional questions concerning the amount due and (4) actual procedure to follow.
4. On September 14, 2012 at 4:30 p.m., I attempted to contact Randy Bockenstedt at the 1-800-868-0043. I spoke to ASC agent: Vanessa, ID# 0Z7. She did not have an extension or a way to connect me to Mr. Bockenstedt. Also she stated that VP's do not take phone calls from clients.

5. I called again. This time I spoke to ASC agent: Trina, ID# H63. She did not have a number or an extension for Mr. Bockenstedt. Instead, she offered to connect me to a person by the name of Mia Andrew, a Home Preservation Specialist. She transferred me to this person but the phone rang for a very long time until the call was disconnected.
6. On my third attempt to speak to Randy Bockenstedt, I spoke to ASC agent: Maria Gonzalez, ID# CKH. She did not have a number for Mr. Bockenstedt. Also she stated that I needed to contact their attorney's office. Upon insisting to talk to Mr. Bockenstedt, she said she could not connect me with him and that he wasn't at that location.
7. I want to express that I tried multiple other times but on most occasions, when calling the number above, there was a voice recording asking to the caller to "wait for the next available operator".
8. I was never served with Order to Show Cause. I was never able to speak to Randy Bockenstedt about my account or the Order to Show Cause. Further, no one at 800-868-0043 was able to assist me or have any knowledge of the letter of August 14, 2012 or the Order to Show Cause.

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


Sergio D. Lopez

Sworn and subscribed
before me on this 22nd
day of September, 2012


Notary Public ELIZABETH MARRIOTT
A Notary Public of New Jersey
My Commission Expires AUGUST 6, 2013

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

951 Madison Avenue

Paterson, New Jersey 07501

973-925-2525

Attorneys for Defendants Sergio D. Lopez and Rosa A. Lopez

<p>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</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY Docket No.: F-009564-12</p> <p><u>Civil Action</u></p> <p>CERTIFICATION OF FILING AND SERVICE</p>
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I, Elizabeth Marriott, am a paralegal at the law firm of Joseph A. Chang & Associates, L.L.C., counsel for Defendants Sergio D Lopez and Rosa A Lopez (“Defendants”). 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 are 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