

IN RE APPLICATION BY WELLS  
CORRECTED NOTICES OF INTENT  
TO FORECLOSURE PLAINTIFFS  
IN UNCONTESTED CASES  
REED SMITH LLP  
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Attorneys for Wells Fargo Bank, N.A.

RECEIVED and FILED  
SUPERIOR COURT OF NEW JERSEY

OCT 01 2012

PASSAIC COUNTY

IN RE APPLICATION BY WELLS  
FARGO BANK, N.A. TO ISSUE  
CORRECTED NOTICES OF INTENT  
TO FORECLOSURE PLAINTIFFS  
IN UNCONTESTED CASES

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
PASSIAC COUNTY

DOCKET.: F-009564-12

CIVIL ACTION

**OBJECTION TO SHOW CAUSE AND  
MOTION TO DISMISS FOR LACK OF STANDING**

COMES NOW THE DEFENDANT, Elizabeth Banks, pro se, in the above matter and states the following:

1. Lender has failed to show chain of title. The only Assignment Note shows New Century Mortgage Corporation receiving assignment from Village Capital and Investment, LLC.
2. Nowhere do we have any document showing that Wells Fargo has any standing in this proceeding.
3. Lender has failed to provide Defendant, prior to our requesting the Note and Mortgage, with the Adjustable Rate Rider. There is no acknowledgement of this document that the Borrower has ever seen or approved this document. This Rider changes the first payment date from 45 days to 15 days from the date of closing. It is common and customary to give the parties at least 30 days from the date of closing to make the first payment.
4. This property is **not** located in Passiac County and therefore this Court has **"no Standing"** to rule in favor of the Plaintiff in the above matter. *In re Foreclosure Cases*, (S.D. Ohio 2007) 521 F.

Supp.2d 650 (detailing specific reasons why standing is a necessary for the court to have justification to hear the claim.)

5. **WHEREFORE**, Defendant requests:

1. An immediate dismissal of this Order To Show Cause and any further proceedings relative to this Foreclosure.
2. To immediately void this mortgage for lack of proper chain of title, filing in a court having no standing and not providing borrowers with changes in the adjustable rate rider.
3. And for such other and further relief as this Court may deem fair and proper.

Respectfully submitted,

Date: \_\_\_\_\_

  
Elizabeth Banks, pro se

**NOTARY**

I hereby acknowledge that Elizabeth Banks has appeared before me, a Notary in and for the State of New Jersey and has shown evidence of her identity by showing her \_\_\_\_\_  
\_\_\_\_\_, this 01<sup>st</sup> day of \_\_\_\_\_, 2012.

She has sworn and affirmed that the information in the above action is true to the best of her knowledge and belief.

  
Notary Public

My Commission Expires:

**RAMA MADDUKURI**

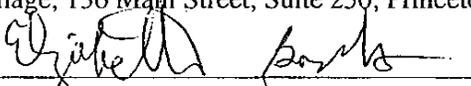
NOTARY PUBLIC OF NEW JERSEY

Commission Expires 02/23/2016

SEAL

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this Pleading has been mailed to Reed Smith, LLP, attorneys for Wells Fargo Bank, N.A., Princeton Forrestal Village, 136 Main Street, Suite 250, Princeton, New Jersey 08540.

  
Elizabeth Banks, pro se

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ORDER

Having taken all matters into consideration, it is the Order of this Court that the Defendants objections are valid, this matter is dismissed and the mortgage is void. A Quiet Title shall be issued to the Defendant, Elizabeth Banks within 10 days from the date of this Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE