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SUPERIOR COURT
CLERK'S OFFICE

Gerod A. Parker, Pro Se, Defendant
270 Clark Street
Hillside, NJ 07205

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
) DEFENDANT'S OBJECTION TO VERIFIED
) COMPLAINT IN SUPPORT OF SUMMARY
) ACTION TO CORRECT NOTICE OF
) INTENT TO FORECLOSE
)
) Premises: 270 Clark Street
) Hillside, NJ 07205
)

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

TO: Judge McVeigh, J.S.C.
Superior Court of New Jersey
Chambers 100
71 Hamilton Street
Paterson, NJ 07505

TO: Mark S. Melodia, Esq.
Attorneys for the Plaintiff
Wells Fargo/America's Servicing Company
REED SMITH, LLP
Princeton Forrestal Village
136 Main Street
Princeton, NJ 08540

TO: Hon. John F. Malone, P.J. Ch.
Superior Court of New Jersey – Union County
2 Broad Street
Elizabeth NJ 07207

TO: Deputy Clerk of the Superior Court
Superior Court of New Jersey – Union County
2 Broad Street
Elizabeth NJ 07207

TO: PHELAN HALLINAN & SCHMIEG, PC
400 Fellowship Road – Suite 100
Mount Laurel, NJ 08054

TO: Union County Sheriff's Department
10 Elizabeth Town Plaza
Elizabeth, NJ 07204

I, Gerod Parker, Defendant, proceeding Pro-Se, residing in this District, does hereby state the following under penalty of this Court. I vehemently Object to the corrected Notice of Intent to Foreclose for the following:

NOTICE OF INTENT TO FORECLOSE IS DEFECTIVE

1. This Proceeding styled, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2006-WMC2 vs. Gerod Parker et al. Superior Court of New Jersey – Chancery Division Union vicinage- Docket Number: F-13380-08, arises out of the failure of the Original Servicing agent to act in “good faith” under the Federal and State Laws, Rules, and Regulations including but not limited to Real Estate Settlement Procedures Act, Truth in Lending Disclosure Act, federal and State Consumer Protection Acts, and the Notice required by the Fair Debt Collection Practices Act, 15 USCA, Section 1601, et seq., Notice required by Title 2A:50-56. Written Notice of Intent to Foreclosure: contents (a) (b), which states:

“Notice of intention to take action as specified in subsection (a) of this Section shall be in writing, sent to the Debtor by REGISTERED or CERTIFIED mail, return receipt requested, at the Debtor’s last known address.....(e) The duty of the Lender under this Section.

To Serve Notice of intention to Foreclose is independent of any other duty to give Notice

under the Common Law, principles of equity, State or Federal statute, or Rule of Court and of any other Right or Remedy the Defendant may have as a result of the failure to give such Notice.”

2. I did not receive proper service pursuant to Rule 1:5-1.

1:5-1. Service: When Required

(a) Civil Actions. **In all civil actions**, unless otherwise provided by rule or court order, orders, judgments, pleadings subsequent to the original complaint, written motions (not made ex parte), briefs, appendices, petitions and other papers except a judgment signed by the clerk shall be served upon all attorneys of record in the action **and upon parties appearing pro se**;

3. I did not receive proper service pursuant to Rule 1:5-2.

1:5-2. Manner of Service

..... Service upon a party of such papers shall be made as provided in R. 4:4-4 or by registered or **certified mail, return receipt requested, and simultaneously by ordinary mail to the party's last known address**. If no address is known, despite diligent effort, the filing of papers with the clerk shall be deemed to satisfy that service requirement and there need be no separate service upon the clerk. Mail may be addressed to a post office box in lieu of a street address only if the sender cannot by diligent effort determine the addressee's street address or if the post office does not make street-address delivery to the addressee.
.....

4. I did not receive proper service pursuant to Rule 1:5-3.

1:5-3. Proof of Service

Proof of service of every paper referred to in R. 1:5-1 If service has been made by mail the affidavit or certification shall state that the mailing was to the last known address of the person served. A proof of service made by affidavit or certification shall state the name and address of each attorney served, identifying the party that attorney represents, and the name and address of any pro se party.

5. The Notice of Intent to Foreclose is the initiation of the legal process of foreclosure.

As such if the service/notice is defective it is in violation of Due Process and subsequently abrogates the rights of the accused.

Defendant must raise before trial by motion any objections based on defects in indictment, and failure to raise nonjurisdictional objections prior to trial constitutes waiver of such objections. Fed. Rules Cr. Proc. Rule 12(b)(2),(f), 18 U.S.C.A. United States v. Richards, 723 F.2d 646 (1983)

Due process requires that a person be given fair notice as to what constitutes illegal conduct, so that he may conform his conduct to the requirements of the law. U.S. v. Batchelder, 442 U.S. 114, 123

Right to a fair trial is basic requirement of due process Haupt v. Dillard, 17 F.3d 285

6. The Defendants if not served within the guidelines is also starved of time sensitive activity guaranteed them by Due Process.

7. This Civil Action was defective at its onset so as such I object and demand the action be dismissed as defective.

It is, therefore, respectfully requested that the Court deny the Plaintiff's Motion.



Dated: October 2, 2012

Gerod A. Parker, Pro Se Defendant
270 Clark Street
Hillside, NJ 07205

CERTIFICATION OF SERVICE BY MAIL

I, _____, served a True Copy of a OBJECTION.....by mailing same in a sealed envelope with postage in a Post Office Depository within the State of New Jersey addressed to the last known address for the interested parties below

TO: Superior Court Clerk's Office
Foreclosure Processing Services
Attn: Objection to Notice of Intention to Foreclosure
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TO: PHELAN HALLINAN & SCHMIEG, PC
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Mount Laurel, NJ 08054

TO: Union County Sheriff's Department
10 Elizabeth Town Plaza
Elizabeth, NJ 07204

DATE: 10/2/12

BY: *David Parker*