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REBMAN MAXWELL & HIPPEL LLP

Attorneys At Law

KIMBERLY D SUTTON

Kimberly.sutton@obermayer.com

Member of NJ & PA Bar

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SUPERIOR COURT
CLERK'S OFFICE

Suite 110
Woodland Falls Corporate Park
200 Lake Drive East
Cherry Hill, NJ 08002
P 856-795-3300
F 856-795-8843
www.obermayer.com

File No 73970-0001

October 15, 2012

Foreclosure Processing Services
Superior Court Clerk's Office
Attention: Objection to Notice of Intention to Foreclose
25 W. Market Street
6th Floor, North Wing
Trenton, NJ 08611

Re: In Re Application By Wells Fargo Bank, N.A. To Issue Corrected
Notices of Intent to Foreclosure on Behalf of Identified
Foreclosure Plaintiffs In Uncontested Cases
Docket No. F-009564-12

Dear Clerk:

With reference to the above-captioned matter, I enclose herein for filing an original and one copy of the following pleadings:

**Objection to: Order to Show Cause and Corrected Notice of Intention
to Foreclose and Request to file an Answer to Complaint**

Please mark the extra enclosed copy "filed" and return same to us in the stamped self-addressed envelope enclosed herewith. You may charge our attorney account (#0076125) for the appropriate filing fee.

Thank you for your attention to this matter

Sincerely yours,

KIMBERLY D. SUTTON

Enclosures

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OBERMAYER REBMANN MAXWELL & HIPPEL LLP

Foreclosure Processing Services
Superior Court Clerk's office
October 11, 2012
Page 2

cc: Hon. Margaret Mary McVeigh, J.S.C. (via UPS Next Day Delivery)
Mark Melodia, Esquire (via UPS Next Day Delivery)
Mr John West

JOHN H C WEST, III
NANCY WEST
49 Kingwood Ave
Frenchtown, NJ, 08825

Ri

<p>Plaintiff(s) The Bank of New York Mellon, FKA the Bank of New as Successor in Interest to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments, II Inc. Bear Stearns ALT-A Trust 2004-12</p> <p>vs</p> <p>Defendant(s) John West, III and Mrs John H.C West, III, his wife and Nancy West, et al</p>	<p>SUPERIOR COURT OF NEW JERSEY</p> <p>CHANCERY DIVISION HUNTERDON COUNTY</p> <p>DOCKET NO. F-25354-10</p> <p>CIVIL ACTION</p> <p>Objection to: Order to Show Cause and Corrected Notice of Intention to Foreclose and Request To File an Answer to Complaint in Foreclosure</p>
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We, John West, III and Mrs. John H.C West, III, his wife and Nancy West, the defendant(s) in the foreclosure matter filed by The Bank of New York Mellon, FKA the Bank of New as Successor in Interest to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments, II Inc. Bear Stearns ALT-A Trust 2004-12 Plaintiff hereby object to the Plaintiff's filing of an Order to Show Cause and the corrected Notice of Intention to Foreclose for the following specific reasons.

1. Plaintiff is precluded from proceeding with this foreclose action since the mortgage lien and the Notice of Intent to Foreclose are defective
2. Nancy West, is an owner of the subject property as tenants by the entirety. Nancy West is not a party to the mortgage to the subject property that Plaintiff seeks to foreclose. Nancy

West's right of survivorship remains intact, so the Plaintiff should not be permitted to foreclose against Nancy West and/or force foreclosure or partition of Nancy West's marital home. Freda v. Commercial Trust Co of New Jersey, 118 N.J. 36, 40, 570 A.2d 409 (1990). Nancy West should be dismissed as a defendant

3. The owner of the subject property, Nancy West, did not enter into a note with the Plaintiff. There is nothing due and owing to Plaintiff from Nancy West.

4 Nancy West did not enter into a note with the Plaintiff and therefore, any alleged mortgage that Nancy West allegedly conveyed to Plaintiff (which is disputed) was without any valid consideration and should be voided.

5. Plaintiff is precluded from proceeding with this foreclosure action Nancy West, an owner of the subject property as a tenants by the entirety, was not provided with a Notice of Intent to Foreclose from Plaintiff as required by the Fair Foreclosure Act

6. Plaintiff does not have standing to prosecute a foreclosure action against Defendants since it did not hold a mortgage from the Defendant owners of the subject property at the time this foreclosure action was commenced.

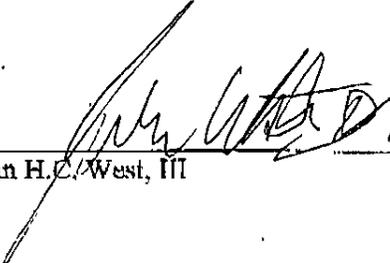
7. Defendants are precluded from proceeding with this foreclosure action since no details were provided as to how, what or when the subject note or mortgage were obtained by the Plaintiff as required by Wells Fargo Bank, N A v. Ford, 418 N.J. Super. 592, 597, 15 A.3d 327 (App. Div. 2011) and Bank of New York v. Raftogianis, 418 N.J. Super. 323, 13 A.3d 435 (Ch. Div. 2010). Without an affirmative "showing of such ownership or control, the plaintiff lacks standing to proceed with the foreclosure action and the complaint must be dismissed."

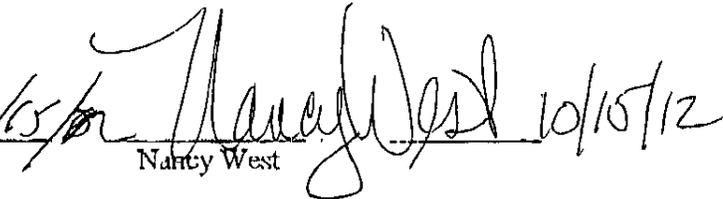
Raftogianis, supra, 418 N.J. Super. at 357-59.

8. The sums that are alleged to be due and owing to Plaintiff by Defendant John H.C. West, III are not accurate, are significantly inflated and are not supported by the terms of the note and mortgage.

Wherefore, in light of the irregularities in the Notice of Intent to Foreclose and the mortgage irregularities, it is respectfully requested that the foreclosure action be dismissed, that Nancy West be dismissed as a party, and that the mortgage held by the Plaintiff be voided. In the alternative, Defendants request that they be granted leave to file an answer to the Foreclosure Complaint in this matter.

The factual allegations set forth in this document are true to the best of my knowledge and information. I understand that if any of the foregoing factual information asserted by me is willfully false, I am subject to punishment.


John H.C. West, III


Nancy West

10/15/12 *10/15/12*

OBERMAYER REBMANN MAXWELL & HIPPEL LLP

By: Kimberly D. Sutton, Esquire
200 Lake Drive East – Suite 110
Woodland Falls Corporate Park
Cherry Hill, New Jersey 08002
(856) 795-3300

Plaintiff(s):
The Bank of New York Mellon, FKA the Bank of
New as Successor in Interest to JP Morgan Chase
Bank NA as Trustee for Structured Asset Mortgage
Investments, II Inc Bear Stearns ALT-A Trust
2004-12

vs.

Defendant(s):
John West, III and Mrs. John H C West, III, his
wife and Nancy West, et al

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION
HUNTERDON COUNTY

DOCKET NO. F-25354-10

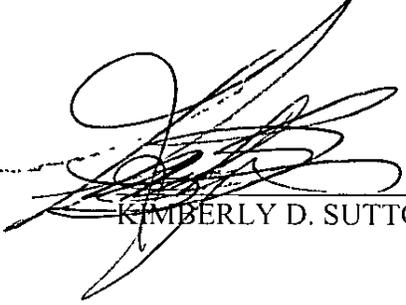
CIVIL ACTION

**CERTIFICATION OF GENUINENESS
OF FACSIMILE SIGNATURE**

I, Kimberly D. Sutton Esquire hereby certify as follows.

1. I am associated with the law firm of Obermayer Rebmann Maxwell & Hippel, LLP Attached hereto is a facsimile of the original signatures of Defendants John H.C. West, III and his wife, Nancy West, attached to their Objection to: Order to Show Cause and Corrected Notice of Intention to Foreclose and Request To File an Answer to Complaint in Foreclosure (hereinafter "Objection"). Defendants John H C. West, III and Nancy West have acknowledged to me the genuineness of their respective signatures to the said Objection. Upon request of the Court or any party, John H. C. West, III and Nancy West will supply a copy of their Objection with their original signatures affixed thereto.

This Certification is being provided pursuant to R. 1:4-4(c) of the New Jersey Court Rules. I am aware that if the foregoing statements are willfully false, I am subject to punishment.



KIMBERLY D. SUTTON