

SUPERIOR COURT OF THE STATE OF NEW JERSEY
COUNTY OF PASSAIC
CHANCERY DIVISION

-----x
WELLS FARGO, N.A.

Plaintiff

ANSWER
AND OPPOSITION
TO ORDER TO
SHOW CAUSE
AND FORECLOSURE
ACTION

RECEIVED
OCT 17 2012
MARGARET MARY McVEIGH, P.J. CH.

DOCKET NO: F-009564-12

-against-

JIMMY ADDO, et. al.

Defendant(s)
-----x

Defendant, JIMMY ADDO, as and for his Answer to Plaintiff's complaint and Opposition to foreclosure action does allege:

1. Denies the allegations contained in the foreclosure action and requests a hearing on the merits.

DEFENDANT ASSERTS THE FOLLOWING AFFIRMATIVE DEFENSES:

1. This Court lacks Jurisdiction as service of process was not properly made in this case.

2. The Plaintiff lacks standing to bring this case and has failed to establish that it is the true owner of the mortgage.

3. Plaintiff failed to comply with the Truth in Lending Act enabling rescission.

4. Plaintiff failed to comply with the Real Estate Settlement Procedures Act enabling rescission.

5. Plaintiff failed to comply with the Fair Credit Reporting Act

6. The Mortgage should be voided on the grounds of unconscionability.

7. The Complaint fails to state a claim upon which relief can be granted.

8. Plaintiff failed to establish a condition precedent to foreclosure.

9. The Plaintiff failed to comply with the FHA pre-foreclosure requirements.

AS AND FOR A COUNTERCLAIM

10. The Mortgage should be declared void and should be rescinded based upon the violations asserted in paragraphs 4 through 9 as set forth above.

WHEREFORE, the Defendant demands judgment against the Defendant as follows:

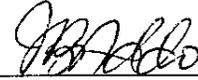
(a) Dismissing Plaintiff's complaint in its entirety;

(b) Granting Defendant relief based upon the

counterclaim;

(c) and awarding such other relief as the Court deems proper.

Dated: October 12, 2012



JIMMY ADDO
Defendant

To: Wells Fargo/America's Servicing Co.
C/O Mark S. Melodia
Reed Smith LLP
Princeton Forrestal Village
136 Main Street
Princeton, NJ 08540

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

SUPERIOR COURT OF THE STATE OF NEW JERSEY
COUNTY OF PASSAIC
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WELLS FARGO, N.A.

Plaintiff,

AFFIDAVIT OF SERVICE
DOCKET NO: F-009564-12

-against-

JIMMY ADDO, et. al.

Defendant(s)
-----X

STATE OF NEW YORK)
COUNTY OF BRONX) ss.:

Edward T. M. Four
x *Edward T. M. Four* ^{New York} duly sworn, deposes and says: that he/sh is over the age of 18 years; that he/she served the OBJECTION TO FORECLOSURE ACTION upon the following person(s) at the following time(s) and place(s) below; All service was made on February 10, 2012 in the following manner:

TO:

Wells Fargo/America's Servicing Co.
C/O Mark S. Melodia
Reed Smith LLP
Princeton Forrestal Village
136 Main Street
Princeton, NJ 08540

by depositing a true and correct copy of the same properly enclosed in a post-paid wrapper in an Official Depository maintained and exclusively controlled by the United States Postal Service directed to said person(s), respectively, at said addresses within the state designated for

that purpose upon the last papers served in this action or the place where the above then resided or kept offices, according to the best information which can be conveniently obtained.

Edward Tenfour

Print name

Edward Tenfour

Sworn to before me this
15th day of October 2012.

Melissa Cantoral
NOTARY PUBLIC

MELISSA CANTORAL
Notary Public, State of New York
Qualified in New York County
No. 01CA6247974
My Commission Expires 09-06-2015

