

RECEIVED

OCT 17 2012

SUPERIOR COURT
CLERK'S OFFICE

Denise Amodol
(Your Name(s))
440 Peter Forman Drive
(Your Mailing Address)
Freehold Nj 07728

732-252-6325
Your Daytime Telephone Number)
Defendant(s) Pro Se

Wells Fargo Bank , N.A.
(Name of party that filed foreclosure complaint)
Plaintiff(s)

Vs.

Denise & Jose Amodol
(Name of first defendant listed on the complaint)
Defendants(s)

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – GENERAL EQUITY**

Passaic COUNTY
(County where property is located, or "Mercer" for an
objection to the Order to Show Cause)

Docket No F- -009564-12
(see instructions for the correct docket number to use)

Objection to: (check one)

Order to Show Cause

**Corrected Notice of Intention
to Foreclose**

I/We Jose & Denise Amodol, the defendant(s) in the foreclosure matter
(filing party or parties)
F-059990-10, hereby object
(caption and docket number if different from above)

to the Plaintiff's filing of: an Order to Show Cause
 a corrected Notice of Intention to Foreclose

for the following specific reasons:

**Describe specific objections in numbered paragraphs.
Please attach additional pages if necessary.**

We are objecting to Plaintiff's Order to show Cause and also Correction Notice of Intention to Foreclose.

CERTIFICATION OF SERVICE

I hereby certify that on October 16 2012, I sent my objection to the following parties by:
(date mailed)

regular mail, certified mail other _____

(Check which mailing method you chose. If you sent it by both regular and certified mail, check both, list each party to the lawsuit; send your opposition to the attorney if the party is represented by counsel; if the party is *pro se* you may send the papers directly to that individual).

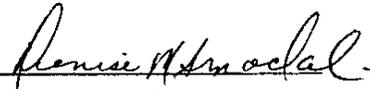
Name Mark S. Melodia and Reed Smith LLP Name _____

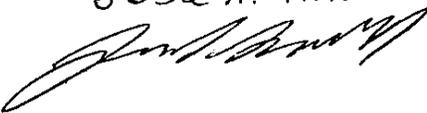
Address Princeton Forrestal Village Address _____

136 Main St. Princeton, NJ 08540 _____

Attorney for Wells Fargo N.A Attorney for _____

Date: 10/16/2012
10/16/2012

Signature 
Denise M Amodol
(print or type your name)

Jose A. Amodol


To: Honorable Judge Mc Veigh

Superior Court of New Jersey, Passaic County Courthouse

Chambers 100

71 Hamilton Street, Paterson N.J. 07505

We hope that this letter will meet your requirements in order to object to Wells Fargo corrected NOI dated September 20, 2012 and that the court finds just to grant us the necessary time in order to complete the Administrative process in which we are engaged. If not then the necessary time to hire an attorney and legally try and keep our home which is the only thing we care about. Our delay in filling this objection is because WF continues to tell us we should try and work with them in mediation.

We have been trying to complete a modification with American Servicing Company (ASC from now on) since February 2009 at which time our saga begun. The original foreclosure docket F-059990-10 was filed in Superior Court of New Jersey Chancery division Monmouth County on December 14, 2010 and was not contested at the time because of our ignorance and misplaced trust in ASC's employees, who for the last three years have done nothing except lied to us every step of the way. As of August 1, 2012 ASC/WF employees continue to deny and mislead us in order to move forward, their only objective which is to take our home away from us

We are currently in NJ court mediation procedure and have complied with every single request made by WF/ASC attorney. It is our understanding that since we are in a court appointed mediation, WF/ASC is in violation of the consent order signed by plaintiff WF. We contest that Wells Fargo is in violation of deficiency in performing loan modification and dual tracking foreclosure and loan modification activities.

United States of America v Bank of America et ,

Following exhibit F1 and F2.

(1) Deficiencies in performing loan modification and other loss mitigation activities, including extensions, forbearances, short sales and deeds in lieu of foreclosure, setting the qualifying criteria for any of the foregoing and/or setting the terms and conditions for any of the foregoing;

(2) Deficiencies in foreclosing on single-family residential mortgage loans or acquiring title in lieu of foreclosure, including the designation and identity of the foreclosing party, the timing of foreclosures, transfer of legal or beneficial ownership to the mortgage loan

Case 1:11-cv-00033-RRM Document 14-21 filed 0034/1024/1122 Page 212321 off 321243

F-3

and/or the related servicing rights or obligations, the charging of any fees, the preparation, contents, execution, notarization or presentation of any documents filed with or submitted to a court or any government agency, or otherwise used as part of the foreclosure process (including,

but not limited to, affidavits, declarations, certifications, substitutions of trustees, and assignments) and dual-tracking foreclosure and loan modification activities, and communications with borrowers in respect of foreclosure;

When WF filed the NOI and the corrected NOI it was at the same time in possession of our HAMP application for a modification and yet continued their dual track procedures again in violation of its own consent judgment.

Section 4: 4. If, after an eligible borrower has been referred to foreclosure, the Servicer receives a complete application from the borrower within 30 days after the Post Referral to Foreclosure Solicitation Letter, then while such loan modification application is pending, Servicer shall not move for foreclosure judgment or order of sale (or, if a motion has already been filed, shall take reasonable steps to avoid a ruling on such motion), or seek a foreclosure sale. If Servicer offers the borrower a loan modification, Servicer shall not move for judgment or order of sale, (or, if a motion has already been filed, shall take reasonable steps to avoid a ruling on such motion), or seek a foreclosure sale until the earlier of (a) 14 days after the date of the related offer of a loan modification, and (b) the date the borrower declines the loan modification offer. If the borrower accepts the loan modification offer (verbally, in writing (including e-mail responses) or by submitting the first trial modification payment) within 14 days after the date of the related offer of loan modification, Servicer shall continue this delay until the later of (if applicable) (A) the failure by the Servicer timely to receive the first trial period payment, and (B) if the Servicer timely receives the first trial period payment, after the borrower breaches the trial plan.

We believe that WF (instead of Wells Fargo) filing of a corrected NOI dated September 20, 2012 in Passaic County is in violation of New Jersey rules of civil Procedure.

4:3-2. Venue in the Superior Court

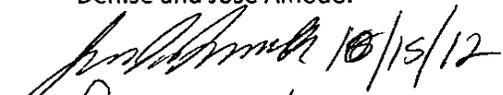
- **(a) Where Laid.** Venue shall be laid by the plaintiff in Superior Court actions as follows:
(1) actions affecting title to real property or a possessory or other interest therein, or for damages thereto, or appeals from assessments for improvements, in the county in which

any affected property is situate; (2) actions not affecting real property which are brought by or against municipal corporations, counties, public agencies or officials, in the county in which the cause of action arose; (3) except as otherwise provided by R. 4:44A-1 (structured settlements), R. 4:53-2 (receivership actions), R. 4:60-2 (attachments), R. 5:2-1 (family actions), R. 4:83-4 (probate actions), and R. 6:1-3 (Special Civil Part actions), the venue in all other actions in the Superior Court shall be laid in the county in which the cause of action arose, or in which any party to the action resides at the time of its commencement, or in which the summons was served on a nonresident defendant;

We do not know if this will legally be sufficient to grant us the necessary time we are requesting but we hope that it will be enough to at least allow us time to arrange for legal counsel .If WF refuses to work with us on a modification through the NJ mediation process. One more thing on January of 2011 WF/ASC gave us a 3 month payment plan under the HAMP guidelines and after having us pay 4 payments they said we did not qualify. In July 2011 we sent WF/ASC a Qualified Written Request as required by the Real State Settlement Procedures Act, as of October 15, 2012 we have not received the required documents form plaintiff WF/ASC. This is yet another legal matter that we believe an attorney would be able to use in our defense against WF.

Sincerely,

Denise and Jose Amodol

 10/15/12
Denise Amodol.10-15-12



PO Box 10328
Des Moines, IA 50306-0328

September 24, 2012

Catherine Best
Office of Senator Robert Menendez
1 Gateway Center, 11th Floor
Newark, NJ 07102

Dear Ms. Best:

RE: Denise M. Amodol
Loan Number 106-1256028347

I am responding on behalf of America's Servicing Company (ASC) to the above referenced inquiry filed with your office.

Due to pending mediation regarding the mortgage account, ASC is unable to provide a response to your correspondence at this time. This matter is being addressed and resolution will be provided through the mediation process.

Your inquiry with our office has been closed.

Sincerely,

A handwritten signature in cursive script that reads "Emily Hill".

Emily Hill
Executive Mortgage Specialist
Office of Executive Complaints
Wells Fargo Bank, N.A.
1 Home Campus
MAC X2302-02J
Des Moines, IA 50328

CC: Denise M. Amodol
440 Peter Forman Drive
Freehold, NJ 07728-9346

If you have received a discharge and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights against the property and are not attempting any act to collect the discharged debt from you personally.

EX003/HD8/co669784



PO Box 10328
Des Moines, IA 50306-0328

September 04, 2012

9/13 12:30 left voice mail 9/13

- ① figure out interest calculator
- ② would not adjust my income to 7500
- ③ she would adjust her income.
- ④ interest greater prohibited lower than 4.5%

Tony Amodol
440 Peter Forman Drive
Freehold, NJ 07728

Dear Tony Amodol:

RE: Denise M. Amodol
Loan Number 106-1256028347

I am providing this correspondence on behalf of America's Servicing Company (ASC) in regards to your complaint filed with Making Home Affordable Help Line (MHA) on August 16, 2012.

Addressing the concerns of our borrowers is vital to our success as a mortgage servicing company. Per our recent telephone conversation on August 30, 2012,, I am the specialist who will be your single point of contact while you are working with our office.

WFHM regrets any frustration that you and Denise Amodol may be experiencing and I welcome the opportunity to assist you.

You may expect communication regarding the resolution of your inquiry to be provided by September 14, 2012. Your collaboration in gathering the required information to fully research your inquiry is essential to meet these timelines. Correspondence will be forwarded to your attention should any change in the expected resolution timeframe be experienced.

If you have any additional questions or need clarification regarding the information provided in this letter, please contact me directly at (866) 416-5896, extension 44700. I am available to assist you Monday - Friday, 8:00 a.m. to 5:00 p.m. Central Time.

Sincerely,

Emily Hill

Securities law attorney

Emily Hill
Executive Mortgage Specialist
Office of Executive Complaints

Wells Fargo Bank, N.A.
1 Home Campus
MAC X2302-02J
Des Moines, IA 50328

If you have received a discharge and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights against the property and are not attempting any act to collect the discharged debt from you personally.

EX003/TK6/co666167



PO Box 10328
Des Moines, IA 50306-0328

*called left message 9/19/12 @ 12:10 PM
called left message 9/21/12 @ 2:30
called left message 9/24/12
calln " 9/27/12*

September 14, 2012

Tony Amodol
440 Peter Forman Drive
Freehold, NJ 07728

Dear Tony Amodol:

RE: Denise M. Amodol
Loan Number 106-1256028347

I am providing this correspondence on behalf of America's Servicing Company (ASC) in regards to your complaint filed with Making Home Affordable Help Line (MHA) on August 16, 2012. This letter is being sent as a follow-up to our correspondence sent to your attention on September 04, 2012.

Due to the complex nature of the above-referenced complaint, America's Servicing Company (ASC) requires additional time to complete the necessary research. Therefore, America's Servicing Company (ASC) will be providing a response to you as well as Making Home Affordable Help Line (MHA) by September 29, 2012.

America's Servicing Company (ASC) appreciates your patience in this matter.

If you have any additional questions or need clarification regarding the information provided in this letter, please contact me directly at (866) 416-5896, extension 44700. I am available to assist you Monday - Friday, 8:00 a.m. to 5:00 p.m. Central Time.

Sincerely,

Emily Hill

Emily Hill
Executive Mortgage Specialist
Office of Executive Complaints
Wells Fargo Bank, N.A.
1 Home Campus
MAC X2302-02J
Des Moines, IA 50328

*9/27
called Jeffrey Kalatz as POC on website why
spoke to Lisa Bozzetti
Emily gone loan back to medical section.*

If you have received a discharge and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights against the property and are not attempting any act to collect the discharged debt from you personally.

EX003/TK6/co666167



PO Box 10328
Des Moines, IA 50306-0328

October 03, 2012

Tony Amodol
440 Peter Forman Drive
Freehold, NJ 07728-9346

Dear Mr. Amodol

RE: Denise M. Amodol
Loan Number 106-1256028347

I am responding on behalf of America's Servicing Company (ASC) in regards to your inquiry filed with the Making Home Affordable Help Line (MHA) and the Consumer Financial Protection Bureau (CFPB).

Due to pending mediation regarding the mortgage account, ASC is unable to provide a response to your correspondence at this time. This matter is being addressed and resolution will be provided through the mediation process.

Your inquiry with our office has been closed.

Sincerely,

Emily Hill
Executive Mortgage Specialist
Office of Executive Complaints

Wells Fargo Bank, N.A.
1 Home Campus
MAC X2302-02J
Des Moines, IA 50328

*Jeffrey Volobz SPOC no letter informing me of
et.
date 10/11 new SPOC Susan Rubke
again no letter from WF SIS-324-8661
notifying me of new SPOC*

If you have received a discharge and the loan was not reaffirmed in the bankruptcy case, we will only exercise our rights against the property and are not attempting any act to collect the discharged debt from you personally.

EX003/11D8/co669784

5555 5046 2000 0606 0702

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 00.44	0709
Certified Fee	\$2.85	Postmark
Return Receipt Fee (Endorsement Required)	\$2.30	21
Restricted Delivery Fee (Endorsement Required)	\$0.00	07/21/2011
Total Postage & Fees	\$ 5.59	SPS

Sent To: **ASC**
 Street, Apt. No. or PO Box No.: **10328**
 City, State, ZIP+4: **Des Moines, IA 50306**

PS Form 3800, August 2006 See Reverse for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
ASC
PO Box 10328
Des Moines, IA 50306

2. Article Number:
7010 3090 0002 3405 5555

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X **Oran Miller** Agent Addressee

B. Received by (Printed Name) **JUL 20 2011** Certified Delivery

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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

Date: 10/15/12

Signature 

Denise M Amodol
(print or type your name)

Jose H. Amodol

