

Cheryl-Ann Bobcombe
(Your Name(s))

108 Brittany Drive
(Your Mailing Address)

Roselle, NJ 08721

718-920-3301
Your Daytime Telephone Number)

Defendant(s) Pro Se

RECEIVED

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SUPERIOR COURT OF NEW JERSEY

Wells Fargo Bank, NA.

(Name of party that filed foreclosure complaint)
Plaintiff(s)

Vs.

Cheryl-Ann Bobcombe

(Name of first defendant listed on the complaint)
Defendants(s)

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

Mercer COUNTY

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

Docket No F- 0095104-12 / F-014575-08
(see instructions for the correct docket number to use)

Objection to: (check one)

Order to Show Cause, Amended

Corrected Notice of Intention to Foreclose

I/We Cheryl-Ann Bobcombe, the defendant(s) in the foreclosure matter
(filing party or parties)

F-0095104-12 / F-014575-08, hereby object
(caption and docket number if different from above)

to the Plaintiff's filing of:

an Order to Show Cause, Amended

a corrected Notice of Intention to Foreclose

for the following specific reasons:

See attached.

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: 11-14-2012

Signature Cheryl Ann Bobcombe
Cheryl Ann Bobcombe
(print of type your name)

CERTIFICATION OF SERVICE

I hereby certify that on 11-14-2012, 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)

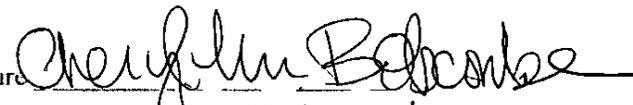
Name Reed Smith LLP Name _____

Address 136 Main Street Suite 250 Address _____

Pawcatuck, CT 06259 _____

Attorney for Wellstone Park Attorney for _____

Date: 11-14-2012

Signature 
Cheryl Ann Bobombe
(print or type your name)

The defendant, subject of applicant's Amended Verified Complaint in Support of Summary Action and Amended Order to Show Cause Docket No.: F-009564-12/F-014575-08, object to Wells Fargo Bank, N.A.'s order to show cause and response to objections dated 10-15-2012 for the following reasons:

Objection: The defendant is confused as to when this foreclosure became labeled "Uncontested."

Defendant has been on record contesting foreclosure up to and including the last hearing before the judge. If there were additional forms necessary the defendant was unaware and requests the opportunity to submit so that her right to due process can be obtained.

Objection: The defendant is not properly identified by the amended order to show cause or amended verified complaint of summary action.

Both documents were sent to the defendant but nowhere is the defendant named in those documents. As a result the court should deny both the amended order to show cause, NOI and amended order verified complaint of summary as neither has been appropriately/legally filed

Also, since defendant has not been named in either document, the defendant has not been served. The defendant is submitting this objection because inclusion would violate due process rights.

The bank should be allowed to contact the defendants as collectives for their convenience. All communications should be individualized so as to not confuse. These conveniences have given the bank the upper hand while the defendants are given one opportunity (to pay in full or bring current) only.

The bank continues to be granted chances to fix and correct these proceedings while they prey on disadvantaged homeowners who cannot afford an attorney to defend themselves.

Objections: The defendant did not receive the notice of impending action.

Although addendum documents were received they did not name the defendant. The application for an order to show cause, the explanatory letter, corrective Notice of Intent, copy of the Order and copy of the complaint were never sent. Due process has therefore been violated.

Objection: Wells Fargo previously refused/failed to identify itself as the mortgagee/servicer of this loan.

The result of Wells Fargo previously refusing/failing to identify itself as the mortgagee/servicer of this loan was that productive mediation could not occur [an actual representative never appeared who had the power to make decisions regarding this matter as requested by the original Judge (Marie M. Sypek) hearing the case]. This failure stalemated all attempts to come to settlements other than foreclosure. The defendant initially requested fixed lower payments related to market value, deed-in-lieu or short sale. Plaintiff's representative stated he was not authorized to negotiate but to present a specific payment plan. The defendant requests mediation to be reinitiated so that her due process may be obtained.

The Plaintiff's suggestion that the defendant was not qualified for the loan modification is inaccurate as the defendant did all that was requested by servicer to receive such modification and the servicer still denied modification. This suggests that the servicer had no intention of giving modifications of any kind but to simply place defendant so far in arrears that there was no possibly way the defendant could pay such a large sum of money primarily in interest and fees that were more than the actual value of the property

The Plaintiff's Attorney also continued to delay process so that the original Judge would retire and a new judge was assigned to the case. The attorney knew that the defendant was Pro Se and therefore would not be able to represent herself effectively enough and would be granted final foreclosure. The new judge asked limited questions and did not allow defendant to make any statements/plead her case before rendering her decision.

Lastly, to permit Wells Fargo to correct this omission at this point would be fundamentally unfair to the homeowner. If they are allowed to correct this omission then they have failed to submit/serve documents accordingly. Either way the defendant's due process would have been violated.

Objection: Wells Fargo suggests defendant simply wants other options rather than cure.

Defendant entered into mediation in good faith with the belief that Wells Fargo also entered in good faith. The statements of the bank confirm that they had no intention of modifying the loans (since they were not required to). This delay caused the defendant to become inundated with an exorbitant amount of interest and fees valued higher than the home's value and could not afford to pay/cure.

As a result of the bank's inappropriate practices the defendant is simply asking the court to deny foreclosure and allow settlement (possibly deed-in-lieu) instead

Objection: Wells Fargo suggests defendant randomly took quotes or phrases from legal websites to support her objections

It is NOT illegal for defendants to utilize any tools necessary to support their arguments or assist in their defense. The bank has and continues to use form letters and phrases that are generalized and are not necessarily related to the defendant's case yet they do not want others to have the same privilege.

It is clear that the bank feels it is above the legal process (law) and that they can do whatever they want regarding the defendant because they can afford a "team of lawyers." Even with court-appointed lawyers, the defendant has no chance as the bank's "team of lawyers" can find every loop hole possible to support their case and win.

Objections. Wells Fargo is improperly using judicial resources to address an issue more properly determined by the legislature

Wells Fargo is attempting to create a safe harbor form with judicial approval. The judiciary, however, should not be asked en masse to approve a business form for a private corporation in an effort to circumvent the normal judicial process. Wells Fargo has brought one action regarding hundreds of borrowers requiring significant time and resources of the judiciary to save their own resources by not bringing each action in the individual matter it affects. This does not constitute judicial efficiency, so much as corporate savings for the movant. If the legislature intended that there be one specific form that addressed all of the issues required by a Notice of Intent to Foreclose, they would have added such a form to the statute. Their declining to do so is not to be seen as an oversight, but as an indication of their intent. Wells Fargo did not treat this application seriously enough to be entitled to the relief.

Objection: The language of the proposed Notice of Intent to Foreclose is unjust and misleading.

All of the mortgagors identified in the Order to Show Cause are defendants in active foreclosure litigation with the debt accelerated as due in full. However, the proposed corrective NOI to foreclose indicates that the mortgagor is in a pre-foreclosure status, that the debt may be accelerated, and that the servicer will start a mortgage foreclosure action upon failure to forward the amount indicated. It later indicates that such an action has not already commenced.

These notices are not tailored to the situation at hand and are written in a manner that is confusing to the mortgagor. The majority of persons affected by the Order to Show Cause have not retained counsel and will be misled by the language contained therein. It appears that the moving party is merely attempting to use judicial resources to approve a proposed form for future notices without regard for the deficiencies they are currently encountering. This form does not clearly indicate the nature and status of the debt and litigation as to the parties it is

meant to affect. This is merely an attempt to sweep past mistakes under the rug without actually addressing the gravity of the situations that have arisen due to those mistakes.

Wells Fargo is now seeking equitable relief in the form of judicial permission to correct their many statutory violations on a broad basis after the filing of a foreclosure action. If this action is permitted, the equities will not be balanced. The homeowner will be harmed by this action unless the Order to Show cause is denied or reformed to undo the entry of default and permit responsive pleadings as to all affected homeowners.

The plaintiff continues to send the defendant correspondence offering options in lieu of foreclosure. When the defendant calls the contact numbers indicated, the parties who answer transfer her to multiple people who state they have no idea why defendant is calling as home has already been foreclosed on and there was nothing more that can be done.

Defendant believes she is being harassed and continues to be harassed with these new addendum documents and asks that plaintiff's requests should be denied.

Objection: Wells Fargo did not properly identify the parties and action named as subject to the Order to Show Cause.

The Order to Show Cause specifically states that it applies to uncontested foreclosure actions that are prior to final judgment. However, there are parties identified who are not within this specific identified class. This list was mass generated as a way for Wells Fargo to cover all their bases. This list contains errors, which have been identified as above, but likely exceed the identification errors, such as improper identification of plaintiffs, improper identification of the action as uncontested and improper identification of the action as prior judgment. Wells Fargo is again indicating to the court, as it did in 2010 when the State felt obligated to intervene in pending foreclosure actions, that they are not able to keep proper records and proceed with the due diligence necessary to strip a person of their home. If they cannot even identify defendants or which actions are contested or post final judgment, how are they to be trusted to properly identify which parties are in default and which parties have cured?

Objection: Wells Fargo stated that they were not required to modify loans and suggests a "cure" only option.

Wells Fargo was "bailed out" with tax payer monies to stay afloat and to help customers stay in their homes but refused to help those customers.

Wells Fargo accepted these funds but since they were not “required” to modify loans foreclosure was the preferred option. If foreclosure was the end game for the bank then they should have never entered into mediation process. The defendant performed all requirements for said modification but bank still did not give the defendant a modification. This denial of modification became standard practice for the bank and hence reapplications and amendments have been filed to rectify these inappropriate/potentially illegal practices.

Wells Fargo did not show good faith regarding these proceedings and should not be granted their requests. They should NOT be rewarded for their bad behavior.

Objection: Wells Fargo has not provided reliable contact information for questions and concerns.

The Fair Foreclosure Act demands that an individual be named in the Notice of Intent who can address the many concerns a homeowner might have when receiving a notice. In the proposed corrective notices, Wells Fargo appears to recognize this mandate and has placed an individual’s name for contact purposes. However, it is evident that Wells Fargo has not made a good faith effort to permit homeowners to contact the named party.

When attempted to reach Randy Bockenstedt, as directed by Wells Fargo, many different parties answered the phone on behalf of ASC, but none were able to provide a line of communication to him. The parties could not indicate whether he was actually subject to this Order and could not provide contact information for any employee with knowledge.

In other instances, most persons answering the phone were not aware of who Randy Bockenstedt was. One person redirected defendant to the legal department or a loan specialist for the account named in their internal records. This information was not provided in the cover letter, NOI, or any other document available. Another person indicated that Bockenstedt was located in another office in a different state, which is also at odds with the Fort Mills, SC address provided.

The staff did not know about the issued proposed corrective notices. They could not provide appropriate contact information or advise defendant accordingly. Wells Fargo should have created a “real” person or department to handle the issues presented before filing the present Order to Show Cause application.

For the reasons stated above and for those reasons that may be raised in the additional objectives, it is respectfully requested that Wells Fargo's Order to Show Cause and Summary Actions be denied in its entirety/denied as to the defendant. It is also respectfully requested that any new or additional fees the defendant may incur, as a result of these Actions, be awarded to the defendant.


Cheryl-Ann Bobcombe November 14, 2012