

ANDRES GEORGE  
1276 LORRAINE AVENUE  
TEANECK, NJ 07666  
646-270-8586

**REED SMITH LLP**  
*Formed in the State of Delaware*  
Mark S. Melodia, Esquire  
Diane A. Bettino, Esquire  
Princeton Forrestal Village  
136 Main Street, Suite 250  
Princeton, New Jersey 08540  
Tel. (609) 987-0050

**Received and Filed**  
Superior Court of New Jersey

DEC 24 2012

**Passaic County**

Attorneys for Wells Fargo Bank, N.A.

<p style="text-align: center;"><b>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</b></p>	<p>) SUPERIOR COURT OF NEW JERSEY ) CHANCERY DIVISION ) PASSAIC COUNTY ) ) DOCKET NO.: F-009564-12 ) ) <u>CIVIL ACTION</u> ) ) AMENDED VERIFIED COMPLAINT ) IN SUPPORT OF SUMMARY ACTION )</p>
---	--

Wells Fargo Bank, N.A., ("Wells Fargo"), authorized to act on behalf of the Foreclosure Plaintiffs in pending, pre-judgment uncontested foreclosure actions, brings this action pursuant to the April 4, 2012, Order of the New Jersey Supreme Court (the "April 4<sup>th</sup> Order"), that was entered following the Court's decision in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), ("Guillaume"). Wells Fargo respectfully states as follows:

1. Wells Fargo is a national banking association and a wholly-owned subsidiary of Wells Fargo & Company, a bank holding company.
2. Wells Fargo services mortgage loans for residential properties in New Jersey either through its division, Wells Fargo Home Mortgage or its trade name, America's Servicing

Company.<sup>1</sup>

3. When Wells Fargo is the servicer of a loan, it undertakes payment collection, loss mitigation (modifications, short sales, deeds in lieu) and collection efforts, including foreclosure, with respect to a mortgage loan. If a loan is owned by another entity, Wells Fargo undertakes these efforts in accordance with the contracts that govern its relationship with the owner of the loan as well as the loan documents, Rules of Court and any applicable laws. As the entity collecting and processing payments, Wells Fargo has the information relevant to the payments, escrows paid, amounts due and whether a loan is in default and by how much. This information is maintained on Wells Fargo's systems of record. In cases in which Wells Fargo is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information, as was recognized by the Supreme Court when it revised the Court Rules governing foreclosures at R. 4:64-1 and R. 4:64-2 in June, 2011. Wells Fargo makes this application to the Court pursuant to the authority granted to Wells Fargo as the servicing agent of Foreclosure Plaintiffs in pending foreclosure cases.

4. The identities of the Foreclosure Plaintiffs in the foreclosure cases for which Wells Fargo is seeking to issue corrected Notices of Intent are identified alphabetically in the Counts 1 through 34. Attached as Exhibits 1 through 34 to each of those Counts are the current lists of the pending, uncontested foreclosure cases that require corrected NOIs (collectively referred to hereafter as the "Corrected NOI List").

5. One of the duties of a servicer on a defaulted mortgage loan in New Jersey is to prepare and serve the Notice of Intent to Foreclose ("NOI"), in accordance with the applicable

---

<sup>1</sup> Wells Fargo also appears as a plaintiff in foreclosure proceedings in its capacity as a trustee for the owners of securitized loans. Where Wells Fargo is only the trustee and not the servicer, Wells Fargo plays no role in servicing these loans. This current application to the Court does not include those cases in which Wells Fargo acts only as a trustee.

contracts and as required by N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by Wells Fargo and includes, among other data elements, information about the amount that is required to reinstate the loan and the date by which reinstatement must occur.

6. On February 27, 2012, the Supreme Court decided Guillaume and held that the Fair Foreclosure Act requires strict adherence to the notice requirements set forth in N.J.S.A. 2A:50-56(c) for all NOIs. The Court further held that a court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56 were not followed has the discretion to choose the appropriate remedy, permitting a cure of the deficient NOI, or imposing such other remedy as may be appropriate to the specific case.

7. Following its decision in Guillaume, the Court entered the April 4<sup>th</sup> Order which authorizes the Hon. Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, and the Hon. Paul Innes, P.J.Ch., Mercer Vicinage, to entertain summary actions by Orders to Show Cause as to why Plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012, in which final judgment has not been entered, who caused NOIs to be served that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected NOIs on defendant/mortgagors and/or parties obligated on the debt (the "Foreclosure Defendants").

8. The April 4<sup>th</sup> Order further states that any corrected NOI must be accompanied by a letter to the Foreclosure Defendants setting forth the reasons why the corrected NOI is being served, the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI, the name of a person to contact with any questions, and that the receipt of the corrected NOI allows Foreclosure Defendants 30 days in which to object or to cure the default.

9. Wells Fargo reviewed its pending foreclosure cases with its counsel to identify those foreclosure cases which will require a corrected NOI because the lender and the lender's address were not included in the previously served NOIs. The Corrected NOI List was reviewed for accuracy to verify the status of the foreclosures, the effect of loss mitigation on pending foreclosures, whether there are relevant bankruptcy proceedings and whether, since the original NOIs were sent, there were intervening deaths of Foreclosure Defendants.

10. The Corrected NOI List attached as Exhibits 1 through 34 includes the portfolio of loans that are pre-judgment, uncontested foreclosures that Wells Fargo is servicing and in which deficient NOIs were served by Wells Fargo. Specifically, as directed by the Supreme Court in Guillaume and the April 4, 2012 Order, the Corrected NOI List includes a listing of.

- a. foreclosures that were filed on or before February 27, 2012 and which Wells Fargo is servicing the loans and acting as agent for a Foreclosure Plaintiff,
- b. in which final judgment has not been entered, and
- c. in which Wells Fargo is seeking leave to file a corrected NOI to include the identity of the lender and the lender's address.

11. The Corrected NOI List also identifies (1) the name of the lender on each loan which is listed as the Plaintiff in the foreclosure action, (2) the name of the first named Foreclosure Defendant, (3) the foreclosure docket number and, (4) the vicinage.<sup>2</sup> While Wells Fargo is not the Plaintiff in each of the foreclosure actions, it is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI pursuant to the relevant contracts with the Foreclosure Plaintiffs.

---

<sup>2</sup> Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the Foreclosure Plaintiff initially identified in the caption may not be the current correct entity that will be listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and Wells Fargo will require that foreclosure counsel take appropriate steps to change the plaintiff in affected foreclosure actions where required.

12. To comply with the April 4<sup>th</sup> Order, attached as Exhibit "A" to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that Wells Fargo intends to send to each Foreclosure Defendant. As instructed by the Supreme Court in the April 4<sup>th</sup> Order, the proposed form of Explanatory Letter:

- a. explains the reason why the corrected NOI is being served,
- b. the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI,
- c. identifies the individual(s) a Foreclosure Defendant should contact with any questions, and
- d. advises the Foreclosure Defendant of the right to object to the corrected NOI as well as the right to cure the default within 30 days of the date of the corrected NOI.

The corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure cases.

13. Attached as Exhibit "B" to the Verified Complaint is the proposed form of corrected NOI which Wells Fargo will send to each of the Foreclosure Defendants identified on the Corrected NOI List.<sup>3</sup> Each Foreclosure Defendant will be served with a corrected NOI that includes, *inter alia*, the information specific to their mortgage loan, their default, the lender/holder's name and address and the amount to reinstate, as provided for in the Order to Show Cause.

#### **COUNT 1 - BANK OF AMERICA, N.A.**

14. Wells Fargo services residential mortgage loans in New Jersey for Bank of America, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

---

<sup>3</sup> Exhibit B also includes a form of corrected NOI that will be used to correct cases in which the holder of the mortgage was not correctly identified in the original NOI. However, the substantive language in the two NOIs is identical.

15. Attached as Exhibit 1 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Bank of America and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 2 - BANK OF NEW YORK MELLON**

16. Wells Fargo services residential mortgage loans in New Jersey for The Bank of New York Mellon and some of its affiliated entities pursuant to an agreement between the parties.

17. Attached as Exhibit 2 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for The Bank of New York Mellon and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 3 - BANKATLANTIC**

18. Wells Fargo services residential mortgage loans in New Jersey for BankAtlantic and some of its affiliated entities pursuant to an agreement between the parties.

19. Attached as Exhibit 3 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for BankAtlantic and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 4 - BAYVIEW FINANCIAL**

20. Wells Fargo services residential mortgage loans in New Jersey for Bayview Financial and some of its affiliated entities pursuant to an agreement between the parties.

21. Attached as Exhibit 4 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Bayview Financial and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 5 - CITIBANK, N.A.**

22. Wells Fargo services residential mortgage loans in New Jersey for CitiBank, N.A. and some of its affiliated entities pursuant to an agreement between the parties.

23. Attached as Exhibit 5 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for CitiBank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 6 - COMMERCE BANCORP**

24. Wells Fargo services residential mortgage loans in New Jersey for Commerce Bank and some of its affiliated entities pursuant to an agreement between the parties.

25. Attached as Exhibit 6 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Commerce Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 7 - COPPERFIELD INVESTMENTS**

26. Wells Fargo services residential mortgage loans in New Jersey for Copperfield Investments pursuant to an agreement between the parties.

27. Attached as Exhibit 7 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Copperfield Investments and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 8 - DEUTSCHE BANK**

28. Wells Fargo services residential mortgage loans in New Jersey for Deutsche Bank and some of its affiliated entities pursuant to an agreement between the parties.

29. Attached as Exhibit 8 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Deutsche Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 9 - DLJ MORTGAGE CAPITAL, INC.**

30. Wells Fargo services residential mortgage loans in New Jersey for DLJ Capital, Inc. pursuant to an agreement between the parties.

31. Attached as Exhibit 9 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for DLJ Capital and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 10 - E\*TRADE**

32. Wells Fargo services residential mortgage loans in New Jersey for E\*TRADE pursuant to an agreement between the parties.

33. Attached as Exhibit 10 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for E\*TRADE and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 11 - EMC MORTGAGE**

34. Wells Fargo services residential mortgage loans in New Jersey for EMC Mortgage pursuant to an agreement between the parties.

35. Attached as Exhibit 11 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for EMC Mortgage and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 12 - FEDERAL DEPOSIT INSURANCE CORPORATION**

36. Wells Fargo services residential mortgage loans in New Jersey for the Federal Deposit Insurance Corporation ("FDIC") pursuant to an agreement between the parties.

37. Attached as Exhibit 12 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for the FDIC and in which Wells Fargo previously

served a NOI that did not include the name and address of the lender.

**COUNT 13 - FEDERAL HOME LOAN MORTGAGE CORPORATION**

38. Wells Fargo services residential mortgage loans in New Jersey for Federal Home Loan Mortgage Corporation ("Freddie Mac") pursuant to an agreement between the parties.

39. Attached as Exhibit 13 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo in which Freddie Mac is the named Plaintiff and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

40. If the servicer of a Freddie Mac loan also holds a secondary lien on the same property, the Freddie Mac servicing guidelines allow the servicer to file the foreclosure in the name of Freddie Mac. In such cases, such as the cases listed on Exhibit 13, Freddie Mac should have been identified as the lender in the original NOI, because in such cases, Freddie Mac is the holder of the residential mortgage under the Fair Foreclosure Act.

41. Not included in this application are the other cases in which Freddie Mac is not the holder of the residential mortgage and not the Named Plaintiff but where Freddie Mac may have a beneficial interest in the loan. In such cases, the original NOI that was sent that identified Wells Fargo as the lender was accurate, as Wells Fargo was the holder of the residential mortgage at the time of the issuance of the NOI, pursuant to the Fair Foreclosure Act and the Uniform Commercial Code.

**COUNT 14 - FEDERAL NATIONAL MORTGAGE ASSOCIATION**

42. Wells Fargo services residential mortgage loans in New Jersey for Federal National Mortgage Association ("Fannie Mae") pursuant to an agreement between the parties.

43. Attached as Exhibit 14 is a list of the pending, uncontested foreclosures in New

Jersey that are being serviced by Wells Fargo in which Fannie Mae is the named Plaintiff and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

44. If the servicer of a Fannie Mae loan also holds a secondary lien on the same property, the Fannie Mae servicing guidelines allow the servicer to file the foreclosure in the name of Fannie Mae. In such cases, such as the cases listed on Exhibit 14, Fannie Mae should have been identified as the lender in the original NOI, because in such cases, Fannie Mae is the holder of the residential mortgage under the Fair Foreclosure Act.

45. Not included in this application are the other cases in which Fannie Mae is not the holder of the residential mortgage and not the Named Plaintiff but where Fannie Mae may have a beneficial interest in the loan. In such cases, the original NOI that was sent that identified Wells Fargo as the lender was accurate, as Wells Fargo was the holder of the residential mortgage at the time of the issuance of the NOI, pursuant to the Fair Foreclosure Act and the Uniform Commercial Code.

#### **COUNT 15 - FEDERAL HOME LOAN BANK OF CHICAGO**

46. Wells Fargo services residential mortgage loans in New Jersey for the Federal Home Loan Bank of Chicago pursuant to an agreement between the parties.

47. Attached as Exhibit 15 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for the Federal Home Loan Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

#### **COUNT 16 - FTN FINANCIAL**

48. Wells Fargo services residential mortgage loans in New Jersey for FTN Financial, a Division of First Tennessee Bank and some of their affiliates pursuant to an

agreement between the parties.

49. Attached as Exhibit 16 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo FTN Financial and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 17 - GE CAPITAL MORTGAGE SERVICES, INC.**

50. Wells Fargo services residential mortgage loans in New Jersey for GE Capital Mortgage Services, Inc. and some of its affiliates pursuant to an agreement between the parties

51. Attached as Exhibit 17 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for GE Capital Mortgage Services and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 18 - GMAC BANK**

52. Wells Fargo services residential mortgage loans in New Jersey for GMAC Bank and some of its affiliates pursuant to an agreement between the parties.

53. Attached as Exhibit 18 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for GMAC and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 19 - HSBC BANK, N.A.**

54. Wells Fargo services residential mortgage loans in New Jersey for HSBC Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

55. Attached as Exhibit 19 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for HSBC and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 20 - HUDSON CITY SAVINGS BANK**

56. Wells Fargo services residential mortgage loans in New Jersey for Hudson City Savings Bank and some of its affiliates pursuant to an agreement between the parties.

57. Attached as Exhibit 20 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Hudson City and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 21 - INVESTORS SAVINGS BANK**

58. Wells Fargo services residential mortgage loans in New Jersey for Investors Savings Bank and some of its affiliates pursuant to an agreement between the parties.

59. Attached as Exhibit 21 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Investors Savings and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 22 - JP MORGAN CHASE BANK**

60. Wells Fargo services residential mortgage loans in New Jersey for JP Morgan Chase Bank and some of its affiliates pursuant to an agreement between the parties.

61. Attached as Exhibit 22 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for JP Morgan Chase and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 23 - LA SALLE BANK, N.A.**

62. Wells Fargo services residential mortgage loans in New Jersey for LaSalle Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

63. Attached as Exhibit 23 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for LaSalle Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 24 - LEHMAN BROTHERS**

64. Wells Fargo services residential mortgage loans in New Jersey for Lehman Brothers and some of its affiliates pursuant to an agreement between the parties.

65. Attached as Exhibit 24 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Lehman Brothers and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 25 - LEX SPECIAL ASSETS**

66. Wells Fargo services residential mortgage loans in New Jersey for LEX Special Assets and some of its affiliates pursuant to an agreement between the parties

67. Attached as Exhibit 25 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for LEX Special Assets and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 26 - MIDFIRST BANK**

68. Wells Fargo services residential mortgage loans in New Jersey for MidFirst Bank and some of its affiliates pursuant to an agreement between the parties.

69. Attached as Exhibit 26 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for MidFirst Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 27 - NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION**

70. Wells Fargo services residential mortgage loans in New Jersey for New York Life Insurance and Annuity Corporation pursuant to an agreement between the parties.

71. Attached as Exhibit 27 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for New York Life and in which Wells Fargo

previously served a NOI that did not include the name and address of the lender.

**COUNT 28 - PNC BANK**

72. Wells Fargo services residential mortgage loans in New Jersey for PNC Bank and some of its affiliated entities pursuant to an agreement between the parties.

73. Attached as Exhibit 28 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for PNC Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 29 - RESIDENTIAL ACCREDIT LOANS, INC.**

74. Wells Fargo services residential mortgage loans in New Jersey for Residential Accredit Loans, Inc. and some of its affiliated entities pursuant to an agreement between the parties.

75. Attached as Exhibit 29 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Residential Accredit Loans and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 30 - RIGGS REAL ESTATE INVESTMENT CORPORATION**

76. Wells Fargo services residential mortgage loans in New Jersey for Riggs Real Estate Investment Corporation pursuant to an agreement between the parties.

77. Attached as Exhibit 30 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo Riggs Real Estate Investment Corporation and in which Wells Fargo previously served a NOI that did not include the name and address of the lender

**COUNT 31 - UBS BANK**

78. Wells Fargo services residential mortgage loans in New Jersey for UBS Bank

and some of its affiliates pursuant to an agreement between the parties.

79. Attached as Exhibit 31 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for UBS and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 32 - UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

80. Wells Fargo services residential mortgage loans in New Jersey for the United States Department of Housing and Urban Development ("HUD") pursuant to an agreement between the parties

81. Attached as Exhibit 32 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for HUD and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 33 - U.S. BANK, NATIONAL ASSOCIATION**

82. Wells Fargo services residential mortgage loans in New Jersey for U.S. Bank, N.A. and some of its affiliates pursuant to an agreement between the parties.

83. Attached as Exhibit 33 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for U.S. Bank and in which Wells Fargo previously served a NOI that did not include the name and address of the lender.

**COUNT 34 - WILMINGTON TRUST COMPANY**

84. Wells Fargo services residential mortgage loans in New Jersey for the Wilmington Trust Company and some of its affiliates pursuant to an agreement between the parties.

85. Attached as Exhibit 34 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for Wilmington Trust in which Wells Fargo

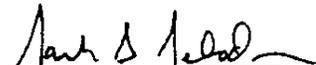
previously served a NOI that did not include the name and address of the lender.

**COUNT 35 – PENDING BANKRUPTCY MATTERS**

86. Attached as Exhibit 35 is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Wells Fargo for the lenders identified in Counts 1 through 34 that are currently subject to the Automatic Bankruptcy Stay. It is the intention of Wells Fargo to send corrected NOIs in these matters when permitted by the Bankruptcy Court and in accordance with the instructions of this Court.

**WHEREFORE**, Plaintiff respectfully requests that this Court enter an Order permitting Wells Fargo to issue corrected NOIs in an omnibus manner as permitted in the April 4, 2012 Order to include the name and address of the lender in the pending, uncontested foreclosure cases listed on the Corrected NOI List and for such other and further relief as this Court deems just and equitable.

**REED SMITH LLP**

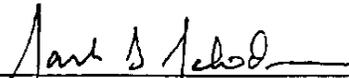
  
\_\_\_\_\_  
Mark S. Melodia, Esquire

Dated:

**CERTIFICATION**

I certify pursuant to Rule 4:5-1 that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, other than the pending foreclosure actions on the Corrected NOI List attached hereto and any pending, separate actions initiated outside of the uncontested foreclosure proceedings in which Foreclosure Defendants may have raised claims concerning, *inter alia*, their NOIs but which are not at issue in this application. I further

certify that I am unaware of any non-party who should be joined in this action pursuant to Rule  
4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any  
party based on the same transactional facts.

  
Mark S. Melodia, Esquire

Dated:

DEC 24 2012

Passaic County

VERIFICATION

STATE OF :  
:  
COUNTY OF :

I, Timothy P. O'Brien, being duly sworn states:

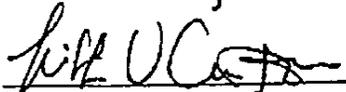
1. I am Senior Vice President, Manager of Default Operations for Wells Fargo, the applicant named in the foregoing Amended Verified Complaint.
2. The allegations in the Amended Verified Complaint are true to the best of my knowledge and belief.
3. The Exhibits attached to the Amended Verified Complaint are true and correct copies.




---

Timothy P. O'Brien

Sworn and subscribed before me  
this 13<sup>th</sup> day of July 2012




---

