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AUG 29 2012

SUPERIOR COURT
CLERK'S OFFICE

POWERS KIRN, LLC
728 Marne Highway, Suite 200
Moorestown, NJ 08057
(856) 802-1000
Attorneys for Plaintiff, Aurora Financial Group, Inc.

**IN RE APPLICATION BY AURORA
FINANCIAL GROUP, INC., TO ISSUE
CORRECTED NOTICES OF INTENT
TO FORECLOSE ON BEHALF OF
IDENTIFIED FORECLOSURE
PLAINTIFFS IN UNCONTESTED
CASES**

**: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION
:
: COUNTY
:
: DOCKET NO.: F-
:
: CIVIL ACTION
:
: VERIFIED COMPLAINT**

Plaintiff, Aurora Financial Group, Inc., by and through their attorneys, Powers
Kirn, LLC, by way of Verified Complaint, hereby say as follows:

FACTS

1. Aurora Financial Group, Inc., (hereinafter "Aurora") is a licensed mortgage banker and mortgage servicer operating in the States of New Jersey and Pennsylvania.
2. Aurora maintains a portfolio of approximately 10,500 loans consisting of loans which were originated by Aurora, as well as residential mortgage loans owned by New Jersey Housing and Mortgage Finance Agency, Police and Firemen's Retirement System Board of Trustees by its Administrative Agent, New Jersey Housing and Mortgage Finance Agency and Roma Bank, for which Aurora serves as the servicing agent.

3. When a loan becomes delinquent and after all efforts to assist the borrower to bring the loan current have failed, Aurora is responsible for commencing a foreclosure action to collect upon the note and mortgage. In all New Jersey cases, Aurora sends out a Notice of Intention to Foreclose (hereinafter "NOI") as required by the Fair Foreclosure Act, which advises the borrower of the situation and provides the borrower with the necessary information to bring the loan current. The NOI is sent at least 30 days prior to the commencement of the foreclosure action. In the event the borrower does not cure the default, and after the NOI expires, the loan is referred to local counsel to initiate foreclosure.

4. On February 27, 2012, the New Jersey Supreme Court issued its opinion in U.S. Bank National Association v. Guillaume, 209 N.J. 449 (2012), which requires strict compliance with the requirements of the Fair Foreclosure Act. In so holding, the Court stated that the NOI must identify the lender and provide the lender's address, as opposed to merely identifying the lender's servicing agent.

5. Following the Court's opinion in Guillaume, the Court issued an Order on April 4, 2012, authorizing the Court to entertain Orders to Show Cause, to be filed by lenders and their servicing agents, which seek to allow the lenders to cure deficient NOIs previously served in pending, pre-judgment, uncontested foreclosure actions which were filed prior to February 27, 2012.

6. Aurora has identified a small pool of foreclosure cases filed prior to February 27, 2012, in which it served NOIs that failed to properly identify the lender and/or provide the lender's address as required by N.J.S.A. 2A:50-56.

7. Aurora has attached hereto, as Exhibit 1, 2, 3 & 4, lists of 78 uncontested, residential foreclosure actions, which are at the pre-judgment stage of the litigation, for which Aurora has identified as having an NOI that failed to properly identify the lender or provide the lender's address.

8. Attached hereto as Exhibit 5, is a true and accurate copy of a proposed form of corrected NOI which Aurora currently utilizes and proposes to send to each defendant identified in Exhibits 1, 2, 3 & 4. Should the Court so authorize, Aurora will send this form of corrected NOI to each borrower identified. The corrected NOI contains the name and address of the current lender and will contain the specific information unique to each particular borrower, which will enable them to reinstate their loan. The corrective NOI which Aurora proposes to send will exclude all attorney's fees and costs which have been incurred in connection with the foreclosure action.

COUNT ONE

9. Aurora hereby incorporates by reference Paragraphs 1 through 8 as if set forth herein.

10. Attached as Exhibit 1 to the Certification of Richard Favretto is a list of uncontested residential foreclosure actions where either New Jersey Housing and Mortgage Finance Agency, Police and Firemen's Retirement System Board of Trustees by its Administrative Agent, New Jersey Housing and Mortgage Finance Agency or Roma Bank is the plaintiff and Aurora Financial Group, Inc. is the servicing agent.

11. Aurora requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully request judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 5 to the Verified Complaint, are compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Aurora to serve new Notice of Intentions to Foreclose, in the form attached as Exhibit 5 to the Verified Complaint, to each borrower/defendant obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit 1 of the Verified Complaint where either New Jersey Housing and Mortgage Finance Agency; Police and Firemen's Retirement System Board of Trustees by its Administrative Agent, New Jersey Housing and Mortgage Finance Agency or Roma Bank is the plaintiff; and
- (c) Any further relief the Court deems equitable and just.

COUNT TWO

12. Plaintiff hereby incorporates by reference Paragraphs 1 through 11 as if set forth herein.

13. Attached as Exhibit 2, is a list of 7 loans which Aurora is servicing for New Jersey Housing and Mortgage Finance Agency and Aurora Financial Group, Inc., in which Aurora served an initial NOI that provided the borrower with a cure date that was less than 30 days from the date of the NOI.

14. Aurora respectfully requests this Court issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully request judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 5 to the Verified Complaint as compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Aurora to serve a corrected Notice of Intention to Foreclose, in the form attached as Exhibit 5, upon all borrower/defendants obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit 2 of the Verified Complaint, where the initial NOI provided a cure date that was less than 30 days from the date of the NOI; and
- (c) Any further relief the Court deems equitable and just.

COUNT THREE

15. Aurora hereby incorporates by reference Paragraphs 1 through 14 as if set forth herein.

16. Attached as Exhibit 3, is a list of 2 loans which Aurora is servicing, and which Aurora Financial Group, Inc., is the Plaintiff. In these two cases, Aurora served an initial NOI on Aurora's letterhead, which contained Aurora's telephone number. However, the paragraph which advised the borrower that they could call Aurora in the event that they had any questions, failed to contain the Aurora's telephone number.

17. Aurora respectfully requests this Court issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully request judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 5 to the Verified Complaint as compliant with the requirements of the Fair Foreclosure Act;

- (b) Permitting Aurora to serve a corrected Notice of Intention to Foreclose, in the form attached as Exhibit 5 to the Verified Complaint, to the borrower/defendants obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit 3 of the Verified Complaint, where the NOI failed to provide Aurora's telephone number; and
- (c) Any further relief the Court deems equitable and just.

COUNT FOUR

18. Plaintiff hereby incorporates by reference Paragraphs 1 through 17 as if set forth herein.

19. Attached as Exhibit 4, is a list of 18 loans which Aurora is servicing on behalf of New Jersey Housing and Mortgage Finance Agency, Police and Firemen's Retirement System Board of Trustees by its Administrative Agent, New Jersey Housing and Mortgage Finance Agency, and which are currently under the protection of an automatic stay provision in the United States Bankruptcy Court. In 17 of these cases, the initial NOI sent by Aurora failed to identify the lender or provide the lender's address, and one loan had an initial NOI that failed to provide the borrower with a cure date that was 30 days from the date that the NOI was sent. Aurora seeks an Order from the Court granting it permission to serve corrected NOI notices in each of these cases, when the bankruptcy case is dismissed or when relief from the automatic stay is obtained.

20. Aurora respectfully requests this Court issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order which permits Aurora to provide the borrowers with a corrected form of NOI.

WHEREFORE, Aurora respectfully request judgment:

- (a) Deeming the form Notice of Intention to Foreclose attached as Exhibit 5 to the Verified Complaint as compliant with the requirements of the Fair Foreclosure Act;
- (b) Permitting Aurora to serve a corrected Notice of Intention to Foreclose, in the form attached as Exhibit 5 to the Verified Complaint, to the borrower/defendants obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit 4 of the Verified Complaint, after the Plaintiff obtains relief from the automatic stay or the borrower/defendant's bankruptcy case is dismissed.; and
- (c) Any further relief the Court deems equitable and just.

POWERS KIRN, LLC

Attorneys for Plaintiff, Aurora Financial Group, Inc.

By: 

Edward W. Kirn, III, Esquire

Dated: 8/14/12

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 proceeded contemplated, other than the pending foreclosure actions in Exhibits 1, 2, 3 & 4 to the Verified Complaint, 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.

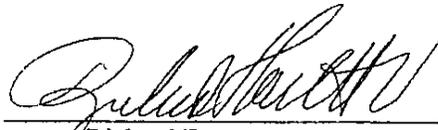

Edward W. Kim, III, Esquire

Dated: 8/14/12

VERIFICATION

I, Richard Favretto, of full age certify as follows:

1. I am the Default Manager of Aurora Financial Group, Inc.
2. I have read the contents of the Verified Complaint and verify the statements contained therein are true to the best of my knowledge and personal information.
3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Richard Favretto

Dated: 8-16-2012

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CLERK'S OFFICE

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August 28, 2012

William M.E. Powers, Jr
William M.E. Powers, III
Sarah E. Powers
Edward W. Kirn, III
Jeanette I. O'Donnell
Frances M. Kelly
Angela C. Pattison
Christopher M. Howard
Megan E. Shafranski

PERSONAL AND CONFIDENTIAL

Ryan Gerbino
Superior Court of New Jersey
Foreclosure Processing
25 Market Street
P.O. Box 971
Trenton, NJ 08625

Re: In Re Application by Aurora Financial Group, Inc., to Issue Corrected Notices of Intent
to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Uncontested Cases
Docket No. F-16932-12

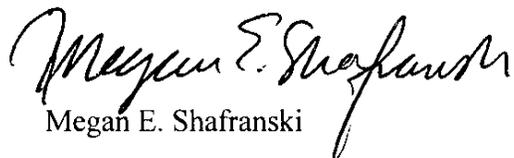
Dear Mr. Gerbino:

On August 16, 2012, our office forwarded to you for filing an Order to Show Cause, a Verified Complaint, a Letter Memo in lieu of Brief and Certification in Support with regard to the above-referenced matter. By mistake, pages were missing from the Verified Complaint.

Therefore, enclosed please find a full and complete copy of the Verified Complaint. Please replace the copy filed by the Court with this complete copy.

Thank you for your kind attention.

Very truly yours,


Megan E. Shafranski

MES:tmj
#2012-3040