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Matter No. 17470

SEP 19 2013

See file

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY FIFTH THIRD MORTGAGE COMPANY	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY Docket No. F-20632-13 Civil Action FINAL ORDER
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THIS MATTER being brought before the Court by the law firm of McCabe, Weisberg & Conway, P.C., attorneys for Plaintiff, Fifth Third Mortgage Company, seeking relief by way of summary action as set forth in Chief Justice Stuart Rabner's April 4, 2012 Order, and based upon the facts set forth in the Verified Complaint filed on June 14, 2013; and the Court having made the following findings of fact and conclusions of law:

1. This matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, as authorized by Chief Justice Rabner's April 4, 2012 Order, and the Honorable Paul Innes, P.J.Ch. having entered an Order to Show Cause on June 27, 2013, setting a return date of September 19, 2013, and;
2. The Order to Show Cause directed all borrowers listed on Exhibit C to the Verified Complaint to appear and show cause why the Court should not allow Fifth Third Mortgage Company to send new Notices of Intention to Foreclose, and;
3. The Order to Show Cause Package, which included the Order to Show Cause, Verified Complaint, new Notice of Intention to Foreclose, and Cover Letter, was served upon each borrower listed on Exhibit C by certified mail, return receipt requested, and regular mail to the property address and the last known address, if different, in Plaintiff's records;

4. The new Notice of Intention to Foreclose complies with the requirements of N.J.S.A. 2A: 50-56, and;

5. Notice of this Order to Show Cause was published two times in the Courier-Post, Star Ledger, New Jersey Herald, and Press of Atlantic City pursuant to the Order to Show Cause;

6. No timely objections to this Order to Show Cause were filed.

IT IS on this 19th day of September, 2013;

ORDERED that all objections to the Order to Show Cause are hereby overruled for the reasons set forth on the record on September 19, 2013, and;

IT IS FURTHER ORDERED that Fifth Third Mortgage Company's request to send new Notices of Intention to Foreclose in the foreclosure matters listed on Exhibit C to the Verified Complaint, is hereby GRANTED;

IT IS FURTHER ORDERED that ~~since more than thirty days have elapsed since the service of the new Notices of Intention to Foreclose,~~ Fifth Third Mortgage Company may resume foreclosure against any borrowers who have not reinstated the loan, and;

at any time
after 30 days of the date of this order;
IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of final judgment, upon submission of an appropriate application to enter judgment, on any foreclosure that was subject to this Order to Show Cause, and;

IT IS FURTHER ORDERED that a copy of this Final Order shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>.

IT IS FURTHER ORDERED that within seven days, Petitioner shall serve a copy of this Order, by regular mail, upon any party that has filed a written objection in this matter.



Hon. Paul Innes, P.J.Ch.