

File No. 14942-0061

Law Offices
PARKER McCAY P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054
(856) 596-8900
Attorneys for Rushmore Loan Management Services, LLC

RECEIVED

JAN -7 2013

SUPERIOR COURT
CLERK'S OFFICE

IN RE SPECIAL SUMMARY ACTION
AUTHORIZED BY ORDER OF THE
NEW JERSEY SUPREME COURT
DATED APRIL 4, 2012 BY
RUSHMORE LOAN MANAGEMENT
SERVICES, LLC TO ISSUE
CORRECTED NOTICES OF INTENT
TO FORECLOSE

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY

DOCKET NO. F-20701-12

CIVIL ACTION

REPLY BRIEF IN SUPPORT OF
SUMMARY ACTION AUTHORIZED
BY ORDER OF THE SUPREME
COURT OF NEW JERSEY DATED
APRIL 4, 2012 TO ISSUE
CORRECTED NOTICES OF INTENT
TO FORECLOSE

INTRODUCTORY STATEMENT

On February 27, 2012, the New Jersey Supreme Court decided US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012). Guillaume addressed, among other issues, whether Notices of Intent to Foreclose ("NOI") sent to borrowers in advance of the filing of a foreclosure complaint pursuant to N.J.S.A. 2A:50-56(a) must strictly comply with and set-forth therein the information required in N.J.S.A. 2A:50-56(c)(11)¹ and, absent strict compliance (should

¹ N.J.S.A. 2A:50-56(c)(11) requires an NOI to disclose, among other things, the name and address of the lender. The NOI at issue in Guillaume disclosed the name and address of the loan servicer.

that be the standard), what was the appropriate remedy for an NOI that did not comply with N.J.S.A. 2A:50-56(c)(11).

The Guillaume Court held that NOIs must strictly comply with N.J.S.A. 2A:50-56(c)(11) by setting forth the name and address of the lender as opposed to the loan servicer. However, the Guillaume Court left the decision of how to remedy any such deficiency to the discretion of the Chancery/Trial Courts. The Guillaume Court expressly rejected the argument (and reversed the holding in Bank of New York v. Laks, 422 N.J. Super. 201 (App. Div. 2011)) that the only remedy to address a (c)11 NOI deficiency was dismissal of the underlying foreclosure action.

Shortly after Guillaume was decided, the Supreme Court of New Jersey issued a Court Order on April 4, 2012 that authorized The Honorable Paul Innes, P.J.Ch. and The Honorable Margaret Mary McVeigh, P.J.Ch. to hear 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 served NOIs that were not compliant with N.J.S.A. 2A:50-56 should not be allowed to serve corrected NOIs to remedy the originally non-compliant NOI. The Supreme Court's April 4, 2012 Order also requires that corrected NOIs, if permitted to be issued by Judge Innes or Judge McVeigh, must be accompanied by a letter of explanation setting forth to the borrowers the reasons why the corrected NOI is being issued, the procedure to follow if the borrower wishes to object, the individuals to contact with any questions and that receipt of the corrected NOI allows the borrowers thirty (30) days in which to object or to cure the specified payment default.

Rushmore Loan Management Services, LLP (“Rushmore”) filed a Verified Complaint, Order to Show Cause and Brief in Support pursuant to the Supreme Court’s April 4, 2012 Order with respect to borrower(s)/defendant(s), Gary J. Leitner and Helen Leitner (hereinafter the “Foreclosure Defendants”). In response, the Foreclosure Defendants filed opposition. The Foreclosure Defendants assert three (3) arguments why Rushmore’s Order to Show Cause should not be granted. They claim (1) the foreclosure litigation is contested and, therefore, outside the scope of the Supreme Court’s April 4, 2012 Order; (2) the current mortgage loan holder/owner is not properly identified; and (3) they have not been clearly and conspicuously advised as to the current situation of their mortgage loan. For the reasons set-forth below, all three (3) arguments proffered by the Foreclosure Defendants lack merit and fail.

Thus, Rushmore’s corrected NOI and letter of explanation previously served on the Foreclosure Defendants pursuant to this Court’s executed Order to Show Cause should be deemed effective, and the current mortgage loan holder/owner should be permitted to advance the foreclosure litigation to final judgment.

ARGUMENT

I. THE FORECLOSURE DEFENDANTS INCORRECTLY CLAIM THAT THE FORECLOSURE LITIGATION CONSTITUTES CONTESTED LITIGATION; THEREFORE, RUSHMORE’S CORRECTED NOI AND LETTER OF EXPLANATION SHOULD BE DEEMED EFFECTIVE AND PLAINTIFF IN THE FORECLOSURE LITIGATION SHOULD BE GRANTED PERMISSION TO PROCEED TO FINAL JUDGMENT

In their opposition, the Foreclosure Defendants first claim that Rushmore should be denied the relief it seeks because the foreclosure litigation is contested. The Foreclosure

Defendants are simply incorrect (even the exhibits to their own opposition brief prove the foreclosure litigation is uncontested).

First and foremost, although the Foreclosure Defendants attempted to challenge the foreclosure litigation, their efforts failed. As noted in Exhibit "A" attached hereto (and attached to the Foreclosure Defendants' opposition brief as Exhibit "C"- albeit incomplete), Summary Judgment was entered in favor of the Plaintiff on February 28, 2012 in the foreclosure litigation and the contesting answer filed by the Foreclosure Defendants was stricken with prejudice. **Moreover, and most significantly, the Court deemed the litigation uncontested.**² Thus, as of February 28, 2012 the foreclosure litigation has been deemed uncontested by Court Order.

Notwithstanding, the Foreclosure Defendants argue that the Plaintiff in the foreclosure litigation admitted as of May 16, 2012 that the matter was contested (see Exhibit "B" to the Foreclosure Defendants' opposition brief). However, this argument is inaccurate and procedurally and substantively incomplete.

After the entry of Summary Judgment in favor of the Plaintiff in the foreclosure litigation (again, which took place on February 28, 2012), Plaintiff sought permission from the Court in the foreclosure litigation to re-issue a corrected NOI. The Court, however, ruled that as a consequence of Summary Judgment being entered, and the foreclosure litigation being deemed uncontested, it was without jurisdiction to grant Plaintiff permission to file a cure NOI. By Court Order dated June 15, 2012, **the Court expressly directed Plaintiff to follow the summary action Order to Show Cause procedure set-forth in the Supreme**

² This is the portion of the Order that the Foreclosure Defendants did **not** attach to their opposition papers.

Court's April 4, 2012 Order- which is exactly what Rushmore has done. See, Exhibit "B" attached hereto.

Accordingly, contrary to the position taken by the Foreclosure Defendants, pursuant to Court Orders dated February 28, 2012 and June 15, 2012, the foreclosure involving the Foreclosure Defendants is, in fact, uncontested and the summary action to which Rushmore availed itself was and remains the appropriate procedural course of action to seek permission to serve a corrected NOI and proceed to final judgment. Accordingly, Rushmore's corrected NOI and letter of explanation previously served on the Foreclosure Defendants pursuant to this Court's executed Order to Show Cause should be deemed effective, and the current mortgage loan holder/owner should be permitted to advance the foreclosure litigation to final judgment.

II. THE CURRENT CREDITOR HAS BEEN ACCURATELY IDENTIFIED; THEREFORE, RUSHMORE'S CORRECTED NOI AND LETTER OF EXPLANATION SHOULD BE DEEMED EFFECTIVE AND PLAINTIFF IN THE FORECLOSURE LITIGATION SHOULD BE GRANTED PERMISSION TO PROCEED TO FINAL JUDGMENT

The Foreclosure Defendants claim that Rushmore has misidentified their current creditor. They cite to their Exhibit "D", an April 30, 2012 letter from Rushmore, for the proposition that their current creditor is U.S. Bank National Association as Trustee for TruCap Grantor Trust 2010-2 (as opposed to TruCap Grantor Trust 2010-2). Once again, the Foreclosure Defendants are incorrect.

The Foreclosure Defendants do not specify anything about Exhibit "D" and, moreover, it is incomplete. Nevertheless, the letter is of no consequence whatsoever. The fact of the matter is that TruCap Grantor Trust 2010-2 is the current creditor. Attached hereto

as Exhibit "C" is the recorded assignment of mortgage in which Trucap Grantor Trust 2010-2 is the designated assignee of the Foreclosure Defendants' mortgage. Moreover, the Court in the foreclosure litigation accepted and acknowledged this assignment of mortgage when it entered its October 18, 2011 Order permitting Trucap Grantor Trust 2010-2 to substituted in as the Plaintiff that litigation. See, Exhibit "D" attached hereto.

Thus, Rushmore has correctly identified the creditor in this matter, who has been since September 15, 2011 "Trucap Grantor Trust 2010-2". See, Exhibit "C" attached hereto. Accordingly, Rushmore's corrected NOI and letter of explanation previously served on the Foreclosure Defendants pursuant to this Court's executed Order to Show Cause should be deemed effective, and the current mortgage loan holder/owner should be permitted to advance the foreclosure litigation to final judgment.

III. THE FORECLOSURE DEFENDANTS HAVE BEEN MADE AWARE OF THE STATUS OF THEIR MORTGAGE LOAN; THEREFORE, RUSHMORE'S CORRECTED NOTICE OF INTENT TO FORECLOSE AND LETTER OF EXPLANATION SHOULD BE DEEMED EFFECTIVE AND PLAINTIFF IN THE FORECLOSURE LITIGATION SHOULD BE GRANTED PERMISSION TO PROCEED TO FINAL JUDGMENT

The last argument proffered by the Foreclosure Defendants is that they have not been made aware of their current situation as required by N.J.S.A. 2A:50-56(4)(c). In support of this argument, they specifically claim that the Order to Show Cause is deficient.

Again, the Foreclosure Defendants' argument fails. N.J.S.A. 2A:50-56(4)(c) speaks to the requirements of a Notice of Intent to Foreclose- not pleadings as argued by the Foreclosure Defendants in their opposition papers.

In this matter, Rushmore served a corrected NOI and letter of explanation on the Foreclosure Defendants as permitted by this Court's executed Order to Show Cause. See,

Exhibit "E" attached hereto. In painstaking detail, the Notice of Intent to Foreclose and letter of explanation set-forth **exactly** what is the current situation of the Foreclosure Defendants' loan. Moreover, the form of the Notice of Intent to Foreclose and letter of explanation was approved by The Honorable Margaret Mary McVeigh, P.J.Ch. in advance of the very first summary action proceeding over which she presided pursuant to the Supreme Court's April 4, 2012 Order. In other words, the NOI and letter of explanation were "blessed by the Court", and deemed to specify any and all information required to make the borrowers aware of their current situation. The Foreclosure Defendants simply refuse to accept their current situation.

Thus, the Foreclosure Defendants' allegation that they have not been made aware of the current situation with respect to their mortgage loan is simply not true, and totally belied by the proofs in this matter. Accordingly, Rushmore's corrected NOI and letter of explanation previously served on the Foreclosure Defendants pursuant to this Court's executed Order to Show Cause should be deemed effective, and the current mortgage loan holder/owner should be permitted to advance the foreclosure litigation to final judgment.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that Rushmore's corrected NOI and letter of explanation previously served on the Foreclosure Defendants pursuant to this Court's executed Order to Show Cause should be deemed effective, and Trucap Grantor Trust 2010-2 should be permitted to advance the foreclosure litigation to final judgment.

PARKER McCAY, P.A.
Attorneys for Rushmore Loan Management
Services, LLP

Date: 1/7/13


Gene R. Mariano, Esquire

EXHIBIT A

ATTENTION

MOVING PARTY'S COUNSEL SHALL
WITHIN 7 DAYS SERVE A COPY OF THIS
ORDER ON ALL OTHER PARTIES

File No. 14942-0061

Law Offices
PARKER McCAY P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054
(856) 810-5815
Attorneys for Plaintiff

THIS RELIEF SET FORTH BELOW
IS ORDERED AND FILED
February 28, 2012
KAREN L. SUTER, P.J. Ch.

TRUCAP GRANTOR TRUST 2010-2,

Plaintiff,

v.

GARY LEITNER, HELEN LEITNER,

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
BURLINGTON COUNTY
DOCKET NO. F-1462-09

CIVIL ACTION

**ORDER GRANTING SUMMARY
JUDGMENT IN FAVOR OF
PLAINTIFF AND STRIKING
ANSWER OF DEFENDANTS, GARY
LEITNER, HELEN LEITNER AND
FOR OTHER RELIEF**

THIS MATTER, being opened to the Court by Parker McCay P.A., attorneys for the Plaintiff, TruCap Grantor Trust 2010-2 on application for Summary Judgment striking the Contesting Answer filed by Defendants, Gary Leitner and Helen Leitner, in the above captioned foreclosure action; and the Court having read and considered the moving papers, and any opposition thereto, and for good cause having been shown;

IT IS on this 28th day of February, 2012

ORDERED AS FOLLOWS:

1. Summary Judgment is hereby granted in favor of Plaintiff, TruCap Grantor Trust 2010-2 and the contesting Answer filed by Defendants, Gary Leitner and Helen Leitner, is hereby stricken from the pleadings on file with prejudice;

ENTERED ON ACMS

2. The Clerk of the Court shall enter upon the docket the default of Defendants, Gary Leitner and Helen Leitner, in the above captioned foreclosure action;

3. This matter is hereby returned to the jurisdiction of the Foreclosure Unit of the Clerk's Office of the Superior Court of New Jersey for purpose of proceeding as an uncontested foreclosure action; and

4. A copy of this Order shall be served on defendant or his attorney within _____ days of plaintiff's receipt of a conformed copy of same from the Court.

Karen L. Suter
KAREN L. SUTER, P.J.Ch

OPPOSED _____

UNOPPOSED _____

Motion Granted
For Reasons Set
Forth on the Record

ENTERED ON ACMS

EXHIBIT B

TRUCAP GRANTOR TRUST 2010-2
IS ORDERED AND FILED

JUN 15 2012

KAREN L. SUTER, P.J. Ch.

PREPARED BY THE COURT

TRUCAP GRANTOR TRUST 2010-2,
Plaintiff

v.

GARY LEITNER, et al.,
Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
BURLINGTON COUNTY

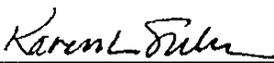
DOCKET NO.: F-1462-09

ORDER DENYING PLAINTIFF'S
MOTION TO CURE DEFICIENT NOTICE
OF INTENTION TO FORECLOSE BY
RESERVICE
AND INSTRUCTING PLAINTIFF TO
FOLLOW ORDER TO SHOW CAUSE
PROCEDURE

This matter having been opened to the court by Parker McCay PA, attorneys for Plaintiff; and it appearing that Plaintiff TruCap Grantor Trust 2010-2, initiated foreclosure proceedings by serving a Notice of Intention to Foreclose upon defendants that did not comply with the Fair Foreclosure Act, N.J.S.A. 2A:50-56; and Plaintiff now petitions the court to permit it to cure the deficient Notice of Intention to Foreclose by reservice of a corrected Notice of Intention to Foreclose upon defendants;

It is on this 15 day of June, 2012 ORDERED that:

1. Plaintiff's motion is hereby DENIED without prejudice.
2. Plaintiff is directed to follow the summary action Order to Show Cause procedure set forth in the New Jersey Supreme Court's April 4, 2012 Order to seek the Court's permission to cure the deficient Notice of Intention to Foreclose.
3. A copy of this order shall be served on all parties within seven (7) days of the date of this order.


Hon. Karen L. Suter, P.J. Ch.

ENTERED ON ACUS

EXHIBIT C

RECORDING DATA PAGE

Consideration :
Code :
Transfer Fee :
Recording Date: 11/02/2011
Document No : 4845407 msalvagg

PARKER MCCAY
9000 MIDLANTIC DR STE 300
PO BOX 5054
MT.LAUREL, NJ 08054

Receipt No : 964782
Document No : 4845407
Document Type : ASM
Recording Date: 11/02/2011
Login Id : msalvagg

Recorded
Nov 02 2011 02:36pm
Burlington County Clerk

Clerk of Burlington County • 49 Rancocas Rd. • Mt. Holly, NJ 08060
609-265-5180

Assignment of Mortgage
Know all Men by these Presents:

That Federal Home Loan Mortgage Corporation

located at 8250 Jones Branch Drive, Mailstop A62, Mclean, VA 22102-3002
herein designated as the Assignor, for and in consideration of the sum of ONE DOLLAR AND 00/100 (\$1.00) and other
good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents assign to

TruCap Grantor Trust 2010-2

located at C/O Marix Servicing LLC, 1925 W. Pinnacle Peak Rd., Phoenix, AZ 85027
herein designated as the Assignee, a certain Mortgage recorded 04/09/2007, made by Gary J. Leitner and Helen
M. Leitner, Married on lands located in the Township of EYESHAM in the County of BURLINGTON and State of New
Jersey, to secure payment of the sum of \$300000.00 Dollars which mortgage is recorded or registered in the office of
the Clerk or Register of BURLINGTON County in Book 11386 of Mortgages on page 268.

To have and to hold the same unto the said Assignee forever, subject only to all the provisions contained in the said
Mortgage and the Bond, Note or other Obligation. And the said Assignor hereby constitutes and appoints the
Assignee as the Assignor's true and lawful attorney, irrevocable in law or in equity, in the Assignor's name, place and
stead but at the Assignee's cost and expense, to have, use and take all lawful ways and means for the recovery of all the
said money and interest; and in case of payment, to discharge the same as fully as the Assignor might or could do if
these presents were not made. This assignment is without recourse for any reason whatsoever.

In all references herein to any parties, persons, entities or corporations the use of any particular gender or the plural or singular
number is intended to include the appropriate gender or number as the text of the within instrument may require.

Witness whereof, the said Assignor has hereunto set his hand or caused these presents to be signed by its
Corporate Officers this 15 day of September 20 11



Federal Home Loan Mortgage Corporation

BY: Wendy W. Hartz Assistant Treasurer

STATE OF Virginia, COUNTY OF Fairfax SS:

I certify that on September 15, 20 11, personally

came before me and this person acknowledged under oath, to my satisfaction that: Wendy W. Hartz

- (a) this person signed, sealed and delivered the attached document as Assistant Treasurer of
Federal Home Loan Mortgage Corporation the corporation named in this document;
(b) the proper corporate seal was affixed; and
(c) this document was signed and made by the corporation as its voluntary act and deed by virtue of authority
from its Board of Directors.

Notary Public of

Brian Douglas Portan
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7504969
My Commission Expires 2/28/2015

RECORD & RETURN
Marix Servicing, LLC
1925 West Pinnacle Peak Road
Phoenix, AZ 85027

C_11 5043_AOM1 X1_C

RECORD AND RETURN TO:
EMMANUEL J. ARGENTIERI, ESQ.
PARKER McCAY PA.
8000 MIDLANTIC DRIVE SUITE 300
P.O. BOX 6054
MT. LAUREL, N.J. 08054

EXHIBIT D

File No. 14942-0061

Law Offices
PARKER McCAY P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054
(856) 810-5815
Attorneys for Plaintiff

FEDERAL HOME LOAN MORTGAGE CORPORATION,

Plaintiff,

v.

GARY LEITNER, ET AL.

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
BURLINGTON COUNTY
DOCKET NO. F-1462-09

CIVIL ACTION

ORDER SUBSTITUTING PLAINTIFF

THIS MATTER being opened to the Court by TruCap Grantor Trust 2010-2 through its attorney, Parker McCay P.A., and it appearing that TruCap Grantor Trust 2010-2 became an interested party in this action via its acquisition of the subject mortgage account in this matter from Federal Home Loan Mortgage Corporation.

IT IS, on this 18th day of October, 2011, **ORDERED** and **ADJUDGED**, that:

1. The complaint in this action be and hereby is amended by striking the name of Federal Home Loan Mortgage Corporation as the party plaintiff.
2. TruCap Grantor Trust 2010-2 be and hereby is substituted in the place and stead of Federal Home Loan Mortgage Corporation as the party plaintiff and all subsequent pleadings filed with the Court shall use the name of the substituted plaintiff in the caption.

3. The Superior Court Clerk is directed to change, as herein modified, the name of the party plaintiff on the automated case management system docket.

4. A copy of this Order shall be served on all appearing parties within seven (7) days of the date of this Order.

Mary C. Jacobson, P.J.Ch.

MARY C. JACOBSON, P.J.Ch

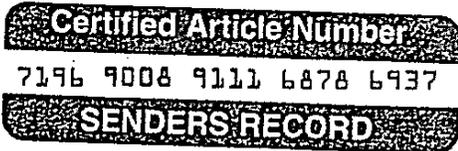
Respectfully Recommended
R. 1:34-6 OFFICE OF FORECLOSURE



Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054

P: 856-596-8900
F: 856-596-9631
www.parkermccay.com

Foreclosure/Bankruptcy Dept.
P: 856-810-5815
F: 856-596-3427



November 29, 2012

File No. 15260-0001

*Via Regular Mail and
Certified Mail, R.R.R. #7196 9008 9111 6878 6937*
Gary J. Leitner
11 Old Republic Lane
Evesham, New Jersey 08053

**Re: Our Client: Rushmore Loan Management Services, LLC
Loan # 7600003156
Property Address: 11 Old Republic Lane, Evesham, NJ 08053**

NOTICE OF INTENT TO FORECLOSE

Dear Mr. Leitner:

This firm represents the interests of TruCap Grantor Trust 2010-2 (hereinafter "Lender"), whose address is 1925 W. Pinnacle Peak Road, Phoenix, AZ 85027 in the above-referenced matter. On March 26, 2007, you executed a Note which is secured by a mortgage on your property located at 11 Old Republic Lane, Evesham, NJ 08053.

This mortgage is in serious default because you have not made the monthly payments due.

The total amount required to cure this default as of the date of this letter is \$152,473.70.

RIGHT TO CURE

You may cure your default by paying to lender the amount of 152,473.70 along with any and all monthly payments and associated late charges which may come due prior to January 3, 2013. This amount must be received by Lender on or prior to January 3, 2013. Your payment must be mailed to:

TruCap Grantor Trust 2010-2¹
c/o Rushmore Loan Management Services, LLC
15480 Laguna Canyon Road
Irvine, CA 92618
Attn: Jared Kops
1-888-504-7300 Ext. 5646

Your payment must be in the form of a certified, cashier's check, cash or money order with your account number included thereon. We strongly recommend that you contact the above referenced representative of your Lender to obtain the most current figures needed to cure your mortgage default.

In addition, you must provide proof that all real estate taxes due through the date of this letter have been paid, and any tax sale certificates paid in full.

If you do not cure the default by the above date, the Lender will exercise its right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the right to pay off the original mortgage in monthly installments.

If you cure the default by January 3, 2013, there will be no requirement to pay attorney's fees and legal costs.

IF YOU DO NOT CURE THE DEFAULT BY JANUARY 3, 2013, LENDER MAY INITIATE FORECLOSURE PROCEEDINGS AGAINST YOU AND TAKE STEPS TO TERMINATE YOUR OWNERSHIP IN THE PROPERTY BY COMMENCING A FORECLOSURE SUIT IN A COURT OF COMPETENT JURISDICTION.

IN THE EVENT LENDER COMMENCES A FORECLOSURE ACTION, YOU WILL STILL HAVE A RIGHT TO CURE THE DEFAULT PRIOR TO THE ENTRY OF THE FORECLOSURE JUDGMENT PURSUANT TO SECTION 5 OF THE NEW JERSEY FAIR FORECLOSURE ACT, HOWEVER, YOU WILL BE RESPONSIBLE FOR LENDER'S COURT COSTS AND ATTORNEYS' FEES IN AN AMOUNT NOT TO EXCEED THAT AMOUNT PERMITTED PURSUANT TO THE RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY.

You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to remain in the property. If you continue to live in the property after the Sheriff's Sale, a Writ of Possession will be issued to evict you.

If you cure your default, your mortgage loan will be reinstated. However, if legal action is commenced, and you reinstate, your right to reinstate cannot again be exercised for eighteen (18) months after the date of reinstatement.

¹ Note: Rushmore Loan Management Services, LLC is a servicer for loan owner TruCap Grantor Trust 2010-2, and authorized to collect loan payments on its behalf.

In the event you transfer ownership of the property to another person, after Lender has started its foreclosure action, the transfer is still subject to Lender's rights in the mortgage covering the property. The new owner of the property may have the right to cure the default pursuant to the provisions of the New Jersey Fair Foreclosure Act subject to the provisions of the Mortgage. Because the Note and Mortgage provide that a transfer of the property is a default, such a transfer will not stop our foreclosure action.

RIGHT TO SEEK LEGAL ADVICE

You are hereby advised to seek legal advice from an attorney of your own choosing concerning your rights under the mortgage documents and the Fair Foreclosure Act.

If you are unable to afford an attorney, call a Legal Services Office in the county in which the property is located. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling the New Jersey State Bar Association or the Lawyer Referral Service for the county in which the property is located. These numbers are listed on the attached schedule.

POSSIBLE FINANCIAL ASSISTANCE

You are hereby advised that there may be financial assistance available to you to help you cure your default through programs operated by the New Jersey State Government, United States Government and numerous non-profit organizations. You are advised to contact the New Jersey Commissioner of Banking and Insurance at 20 W. State Street, CN 040, Trenton, New Jersey 08625, by calling (609) 292-3420 and inquiring about the programs that may be available to you in order to assist you in curing your default under your mortgage loan. Attached is a schedule listing entities which may provide financial assistance or counseling to borrowers in foreclosure.

IF YOU DISAGREE WITH LENDER'S ASSERTION

If you disagree with the lender's assertion that a default has occurred or the correctness of the lender's calculation of the amount required to cure default, please contact:

TruCap Grantor Trust 2010-2²
c/o Rushmore Loan Management Services, LLC
15480 Laguna Canyon Road, Suite 100
Irvine, CA 92618
Attn: Jared Kops
1-888-504-7300 Ext. 5646

BANKRUPTCY NOTICE

If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt, please be advised that this letter constitutes neither a demand for payment of the captioned debt, nor a notice of personal liability to any recipient hereof who might have

² Note: Pursuant to N.J.S.A. 2A:50-56(c)(11), please be advised that lender's address is 1925 Pinnacle Peak Road, Phoenix, AZ 85027.

received a discharge of such debt in accordance with the applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code.

SERVICEMEMBERS' CIVIL RELIEF ACT NOTICE

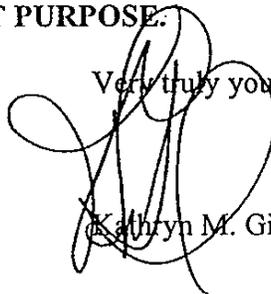
If you believe that you are entitled to the benefits as outlined in the Servicemembers' Civil Relief Act, you should promptly provide us with evidence of your active duty status.

If you dispute that you are in default and/or the correctness of the amount necessary to cure the default, you should contact Jared Kops, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618, or by calling 1-888-504-7300 Ext. 5646.

UNLESS YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF *IN WRITING* WITHIN THIRTY-FIVE (35) DAYS OF YOUR RECEIPT OF THIS LETTER, THE DEBT WILL BE ASSUMED TO BE VALID. IF, WITHIN THIRTY-FIVE (35) DAYS OF YOUR RECEIPT OF THIS LETTER, YOU NOTIFY US THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, VERIFICATION OF THE DEBT WILL BE PROVIDED TO YOU. WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL LENDER IF DIFFERENT FROM THE CURRENT LENDER, IF YOU REQUEST THIS INFORMATION WITHIN THIRTY-FIVE (35) DAYS.

PLEASE NOTE THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Very truly yours,



Kathryn M. Gilberston Shabel

KMS/na
Enclosure

cc: Rushmore Loan Management Services, LLC

Fair Foreclosure Act Notice of Intention to Foreclose - List of Entities Providing Assistance

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.

American Credit Alliance, Inc.
26 S. Warren St.
Trenton, NJ 08608
609-393-5400

Atlantic Human Resources, Inc.
1 S. New York Ave.
Atlantic City, NJ 08401
609-348-4131

Consumer Credit Counseling Service of Central New Jersey
1931 Nottingham Way
Hamilton, NJ 08619
609-586-2574

Consumer Credit Counseling Service of New Jersey
185 Ridgedale Ave.
Cedar Knolls, NJ 07927-1812
973-267-4324

Fair Housing Council of Northern New Jersey
131 Main St.
Hackensack, NJ 07601
201-489-3552

Garden State Consumer Credit Counseling, Inc.
225 Willowbrook Road
Freehold, NJ 07728
1-800-992-4557

Jersey Counseling & Housing Development, Inc.
29 S. Blackhorse Pike
Blackwood, NJ 08012
856-227-3683

Jersey Counseling & Housing Development, Inc.
1840 S. Broadway
Camden, NJ 08104
856-541-1000

Mercer County Hispanic Association
200 E. State St., 2nd Floor
Trenton, NJ 08607
609-392-2446

Middlesex County Economic Opportunities Corporation
1215 Livingston Ave.
North Brunswick, NJ 08902
732-790-3344

Monmouth County Human Services Housing Services Unit
P.O. Box 3000
Freehold, NJ 07728
732-431-7998

NJ Citizen Action (main office/financial education center)
744 Broad St., Suite 2080
Newark, NJ 07102
973-643-8800
1-800-NJ-OWNER (loan counseling)
1-888-TAXES-11 (free tax preparation assistance)

NJ Citizen Action (Central Jersey)
85 Raritan Ave., Suite 100
Highland Park, NJ 08904
732-246-4772

NJ Citizen Action (South Jersey)
2 Riverside Drive, Suite 362
Camden, NJ 08103
856-966-3091

Ocean Community Economic Action Now, Inc.
22 Hyers St.
Toms River, NJ 08753-0773
732-244-2351, ext. 2

Paterson Coalition for Housing, Inc.
262 Main St., 5th Floor
Paterson, NJ 07505
973-684-5998

Paterson Task Force for Community Action, Inc.
155 Ellison St.
Paterson, NJ 07505
973-279-2333

Puerto Rican Action Board Housing Coalition Unit
90 Jersey Ave.
New Brunswick, NJ 08903
732-249-9700

Tri-County Community Action Agency, Inc.
110 Cohansey St.
Bridgeton, NJ 08302
856-451-6330

Urban League for Bergen County
106 W. Palisade Ave.
Englewood, NJ 07631
201-568-4988

Urban League for Essex County
508 Central Ave.
Newark, NJ 07101
973-624-9535

Urban League of Union County
288 N. Broad St.
Elizabeth, NJ 07208
908-351-7200

Homelessness Prevention Program
New Jersey Department of Community Affairs
(866) 889-6270*

*Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the deed and mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

SCHEDULE**LIST OF NEW JERSEY STATE BAR ASSOCIATION
LAWYER REFERRAL SERVICES OR LEGAL SERVICES OFFICES**

New Jersey Bar Association - Tel. 908-249-5000

<u>LAWYER REFERRAL SERVICES</u>	<u>TELEPHONE NO.</u>
Atlantic County Bar Association	609-345-3444
Bergen County Bar Association	201-488-0044
Burlington County Bar Association	609-261-4862
Camden County Bar Association	856-964-4520
Cape May County Bar Association	609-463-0313
Cumberland County Bar Association	856-692-6207
Essex County Bar Association	973-622-6207
Gloucester County Bar Association	856-848-4589
Hudson County Bar Association	201-798-2727
Hunterdon County Bar Association	908-735-2611
Mercer County Bar Association	609-890-6200
Middlesex County Bar Association	732-828-0053
Monmouth County Bar Association	732-431-5544
Morris County Bar Association	973-267-5882
Ocean County Bar Association	732-240-3666
Passaic County Bar Association	973-278-9223
Salem County Bar Association	856-678-8363
Somerset County Bar Association	908-685-2323
Sussex County Bar Association	973-267-5882
Union County Bar Association	908-353-4715
Warren County Bar Association	973-267-5882

LEGAL SERVICES OFFICE

TELEPHONE NO.

Atlantic County	609-348-4200
Bergen County	201-487-2166
Burlington County	609-261-1088
Camden County	856-964-1002
Cape May County	609-465-3001
Cumberland County	856-451-0003
Essex County	973-624-4500
Gloucester County	856-848-5360
Hudson County	201-792-6363
Hunterdon County	908-782-7979
Mercer County	609-695-6249
Middlesex County	732-249-7600
Monmouth County	732-747-7400
Morris County	973-285-6911
Ocean County	732-341-2727
Passaic County	973-345-7171
Salem County	856-451-0003
Somerset County	908-231-0840
Sussex County	973-383-7400
Union County	908-354-4340
Warren County	973-475-2010

Legal Services of New Jersey, Inc. - Tel. 908-246-0770

NO GUARANTEE AS TO THE ACCURACY OF THE TELEPHONE NUMBERS
SET FORTH ABOVE IS ASSUMED OR IMPLIED
PLEASE CHECK YOUR TELEPHONE DIRECTORY

EXHIBIT E



Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054

P: 856-596-8900
F: 856-596-9631
www.parkermccay.com

Foreclosure/Bankruptcy Dept.
P: 856-810-5815
F: 856-596-3427

Certified Article Number

7196 9008 9111 6878 6920

November 29, 2012

SENDERS RECORD

File No. 15260-0001

*Via Regular Mail and
Certified Mail, R.R.R. #7196 9008 9111 6878 6920*
Helen Leitner
11 Old Republic Lane
Evesham, New Jersey 08053

**Re: Our Client: Rushmore Loan Management Services, LLC
Loan # 7600003156
Property Address: 11 Old Republic Lane, Evesham, NJ 08053**

NOTICE OF INTENT TO FORECLOSE

Dear Ms. Leitner:

This firm represents the interests of TruCap Grantor Trust 2010-2 (hereinafter "Lender"), whose address is 1925 W. Pinnacle Peak Road, Phoenix, AZ 85027 in the above-referenced matter. On March 26, 2007, you executed a Note which is secured by a mortgage on your property located at 11 Old Republic Lane, Evesham, NJ 08053.

This mortgage is in serious default because you have not made the monthly payments due.

The total amount required to cure this default as of the date of this letter is \$152,473.70.

RIGHT TO CURE

You may cure your default by paying to lender the amount of 152,473.70 along with any and all monthly payments and associated late charges which may come due prior to January 3, 2013. This amount must be received by Lender on or prior to January 3, 2013. Your payment must be mailed to:

TruCap Grantor Trust 2010-2¹
c/o Rushmore Loan Management Services, LLC
15480 Laguna Canyon Road
Irvine, CA 92618
Attn: Jared Kops
1-888-504-7300 Ext. 5646

Your payment must be in the form of a certified, cashier's check, cash or money order with your account number included thereon. We strongly recommend that you contact the above referenced representative of your Lender to obtain the most current figures needed to cure your mortgage default.

In addition, you must provide proof that all real estate taxes due through the date of this letter have been paid, and any tax sale certificates paid in full.

If you do not cure the default by the above date, the Lender will exercise its right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the right to pay off the original mortgage in monthly installments.

If you cure the default by January 3, 2013, there will be no requirement to pay attorney's fees and legal costs.

IF YOU DO NOT CURE THE DEFAULT BY JANUARY 3, 2013, LENDER MAY INITIATE FORECLOSURE PROCEEDINGS AGAINST YOU AND TAKE STEPS TO TERMINATE YOUR OWNERSHIP IN THE PROPERTY BY COMMENCING A FORECLOSURE SUIT IN A COURT OF COMPETENT JURISDICTION.

IN THE EVENT LENDER COMMENCES A FORECLOSURE ACTION, YOU WILL STILL HAVE A RIGHT TO CURE THE DEFAULT PRIOR TO THE ENTRY OF THE FORECLOSURE JUDGMENT PURSUANT TO SECTION 5 OF THE NEW JERSEY FAIR FORECLOSURE ACT, HOWEVER, YOU WILL BE RESPONSIBLE FOR LENDER'S COURT COSTS AND ATTORNEYS' FEES IN AN AMOUNT NOT TO EXCEED THAT AMOUNT PERMITTED PURSUANT TO THE RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY.

You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to remain in the property. If you continue to live in the property after the Sheriff's Sale, a Writ of Possession will be issued to evict you.

If you cure your default, your mortgage loan will be reinstated. However, if legal action is commenced, and you reinstate, your right to reinstate cannot again be exercised for eighteen (18) months after the date of reinstatement.

¹ Note: Rushmore Loan Management Services, LLC is a servicer for loan owner TruCap Grantor Trust 2010-2, and authorized to collect loan payments on its behalf.

In the event you transfer ownership of the property to another person, after Lender has started its foreclosure action, the transfer is still subject to Lender's rights in the mortgage covering the property. The new owner of the property may have the right to cure the default pursuant to the provisions of the New Jersey Fair Foreclosure Act subject to the provisions of the Mortgage. Because the Note and Mortgage provide that a transfer of the property is a default, such a transfer will not stop our foreclosure action.

RIGHT TO SEEK LEGAL ADVICE

You are hereby advised to seek legal advice from an attorney of your own choosing concerning your rights under the mortgage documents and the Fair Foreclosure Act.

If you are unable to afford an attorney, call a Legal Services Office in the county in which the property is located. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling the New Jersey State Bar Association or the Lawyer Referral Service for the county in which the property is located. These numbers are listed on the attached schedule.

POSSIBLE FINANCIAL ASSISTANCE

You are hereby advised that there may be financial assistance available to you to help you cure your default through programs operated by the New Jersey State Government, United States Government and numerous non-profit organizations. You are advised to contact the New Jersey Commissioner of Banking and Insurance at 20 W. State Street, CN 040, Trenton, New Jersey 08625, by calling (609) 292-3420 and inquiring about the programs that may be available to you in order to assist you in curing your default under your mortgage loan. Attached is a schedule listing entities which may provide financial assistance or counseling to borrowers in foreclosure.

IF YOU DISAGREE WITH LENDER'S ASSERTION

If you disagree with the lender's assertion that a default has occurred or the correctness of the lender's calculation of the amount required to cure default, please contact:

TruCap Grantor Trust 2010-2²
c/o Rushmore Loan Management Services, LLC
15480 Laguna Canyon Road, Suite 100
Irvine, CA 92618
Attn: Jared Kops
1-888-504-7300 Ext. 5646

BANKRUPTCY NOTICE

If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt, please be advised that this letter constitutes neither a demand for payment of the captioned debt, nor a notice of personal liability to any recipient hereof who might have

² Note: Pursuant to N.J.S.A. 2A:50-56(c)(11), please be advised that lender's address is 1925 Pinnacle Peak Road, Phoenix, AZ 85027.

received a discharge of such debt in accordance with the applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code.

SERVICEMEMBERS' CIVIL RELIEF ACT NOTICE

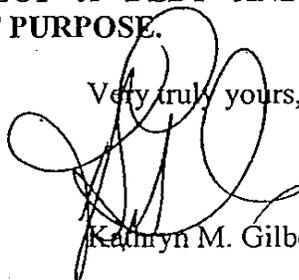
If you believe that you are entitled to the benefits as outlined in the Servicemembers' Civil Relief Act, you should promptly provide us with evidence of your active duty status.

If you dispute that you are in default and/or the correctness of the amount necessary to cure the default, you should contact Jared Kops, 15480 Laguna Canyon Road, Suite 100, Irvine, CA 92618, or by calling 1-888-504-7300 Ext. 5646.

UNLESS YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF *IN WRITING* WITHIN THIRTY-FIVE (35) DAYS OF YOUR RECEIPT OF THIS LETTER, THE DEBT WILL BE ASSUMED TO BE VALID. IF, WITHIN THIRTY-FIVE (35) DAYS OF YOUR RECEIPT OF THIS LETTER, YOU NOTIFY US THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, VERIFICATION OF THE DEBT WILL BE PROVIDED TO YOU. WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL LENDER IF DIFFERENT FROM THE CURRENT LENDER, IF YOU REQUEST THIS INFORMATION WITHIN THIRTY-FIVE (35) DAYS.

PLEASE NOTE THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Very truly yours,



Kathryn M. Gilberston Shabel

KMS/na
Enclosure

cc: Rushmore Loan Management Services, LLC

Fair Foreclosure Act Notice of Intention to Foreclose - List of Entities Providing Assistance

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.

American Credit Alliance, Inc.
26 S. Warren St.
Trenton, NJ 08608
609-393-5400

Atlantic Human Resources, Inc.
1 S. New York Ave.
Atlantic City, NJ 08401
609-348-4131

Consumer Credit Counseling Service of Central New Jersey
1931 Nottingham Way
Hamilton, NJ 08619
609-586-2574

Consumer Credit Counseling Service of New Jersey
185 Ridgedale Ave.
Cedar Knolls, NJ 07927-1812
973-267-4324

Fair Housing Council of Northern New Jersey
131 Main St.
Hackensack, NJ 07601
201-489-3552

Garden State Consumer Credit Counseling, Inc.
225 Willowbrook Road
Freehold, NJ 07728
1-800-992-4557

Jersey Counseling & Housing Development, Inc.
29 S. Blackhorse Pike
Blackwood, NJ 08012
856-227-3683

Jersey Counseling & Housing Development, Inc.
1840 S. Broadway
Camden, NJ 08104
856-541-1000

Mercer County Hispanic Association
200 E. State St., 2nd Floor
Trenton, NJ 08607
609-392-2446

Middlesex County Economic Opportunities Corporation
1215 Livingston Ave.
North Brunswick, NJ 08902
732-790-3344

Monmouth County Human Services Housing Services Unit
P.O. Box 3000
Freehold, NJ 07728
732-431-7998

NJ Citizen Action (main office/financial education center)
744 Broad St., Suite 2080
Newark, NJ 07102
973-643-8800
1-800-NJ-OWNER (loan counseling)
1-888-TAXES-11 (free tax preparation assistance)

NJ Citizen Action (Central Jersey)
85 Raritan Ave., Suite 100
Highland Park, NJ 08904
732-246-4772

NJ Citizen Action (South Jersey)
2 Riverside Drive, Suite 362
Camden, NJ 08103
856-966-3091

Ocean Community Economic Action Now, Inc.
22 Hyers St.
Toms River, NJ 08753-0773
732-244-2351, ext. 2

Paterson Coalition for Housing, Inc.
262 Main St., 5th Floor
Paterson, NJ 07505
973-684-5998

Paterson Task Force for Community Action, Inc.
155 Ellison St.
Paterson, NJ 07505
973-279-2333

Puerto Rican Action Board Housing Coalition Unit
90 Jersey Ave.
New Brunswick, NJ 08903
732-249-9700

Tri-County Community Action Agency, Inc.
110 Cohansey St.
Bridgeport, NJ 08302
856-451-6330

Urban League for Bergen County
106 W. Palisade Ave.
Englewood, NJ 07631
201-568-4988

Urban League for Essex County
508 Central Ave.
Newark, NJ 07101
973-624-9535

Urban League of Union County
288 N. Broad St.
Elizabeth, NJ 07208
908-351-7200

Homelessness Prevention Program
New Jersey Department of Community Affairs
(866) 889-6270*

*Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the deed and mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

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Gloucester County Bar Association	856-848-4589
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Hunterdon County Bar Association	908-735-2611
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LEGAL SERVICES OFFICE

TELEPHONE NO.

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Burlington County	609-261-1088
Camden County	856-964-1002
Cape May County	609-465-3001
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Hunterdon County	908-782-7979
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Passaic County	973-345-7171
Salem County	856-451-0003
Somerset County	908-231-0840
Sussex County	973-383-7400
Union County	908-354-4340
Warren County	973-475-2010

Legal Services of New Jersey, Inc. - Tel. 908-246-0770

NO GUARANTEE AS TO THE ACCURACY OF THE TELEPHONE NUMBERS
SET FORTH ABOVE IS ASSUMED OR IMPLIED
PLEASE CHECK YOUR TELEPHONE DIRECTORY



Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054

P: 856-596-8900
F: 856-596-9631
www.parkermccay.com

Foreclosure/Bankruptcy Dept.
P: 856-810-5815
F: 856-596-3427

November 29, 2012

Sent via Certified Mail and Regular Mail

Gary J. Leitner
11 Old Republic Lane
Evesham, New Jersey 08053

Re: Order to Show Cause - **Order to Show Cause – Special Summary Action**
Authorized by Order of the New Jersey Supreme Court Dated April 4, 2012
by Rushmore Loan Management Services, LLC to issue Corrected Notices of
Intent to Foreclose
Docket No. F-20701-12

Your Foreclosure Action – **TruCap Grantor Trust 2010-2 v. Gary Leitner, et al.**
Docket No. F-1462-09

Dear Mr. Leitner:

Please be advised that the New Jersey Supreme Court recently held in *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012), that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act's requirement that that a Notice of Intention to Foreclose set forth the name and address of the lender.

Why You Are Receiving This Letter

You are receiving this letter because you are the defendant in a pending foreclosure action, and it is believed that the Notice of Intention to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act.

By the court's Order to Show Cause dated October 26, 2012, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, Hon. Paul Innes, P.J.Ch., Mercer, gave permission to Rushmore Loan Management Services, LLC to serve, along with the Order to Show Cause and Verified Complaint, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012 in which TruCap Grantor Trust 2010-2 is the plaintiff.

Information About the Order to Show Cause and Verified Complaint

Enclosed with this letter are copies of the Order to Show Cause and Verified Complaint. The Verified Complaint lists the following lenders in the following counts of the Verified Complaint:

COUNT ONE- TruCap Grantor Trust 2010-2

The attachments to the Verified Complaint, which list the foreclosure actions in which the above named lenders are the plaintiffs, will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website on the attached exhibits to the Verified Complaint by entering your name on the automatic search field on the court's website. If you do not have access to a computer or have trouble locating that information on the court's website you can contact a representative at Rushmore Loan Management Services {1-888-504-7300} who can assist you in locating the information about your foreclosure.

Information About the Corrected Notice of Intention to Foreclose

Also enclosed with this letter is the corrected Notice of Intention to Foreclose. It allows you an additional 30 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' fees. It also sets forth important information about your loan, including information on how you can cure the default; the consequences of failing to cure the default; contact information for the plaintiff; and information about retaining counsel and borrower assistance. If you fail to cure the default by the date set forth in the corrected Notice of Intention to Foreclose, the foreclosure action against you will proceed.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the named plaintiff in the foreclosure action. The corrected Notice of Intention to Foreclose lists the name and address of the current lender on your loan.

Questions about the Notice of Intention to Foreclose

Should you have questions with regard to your loan or the corrected Notice of Intention to Foreclose, please contact Rushmore Loan Management Services, LLC at 1-888-504-7300. Additional contact information is provided in the corrected Notice of Intention to Foreclose.

How to File an Objection

You have the right to object to the enclosed Order to Show Cause (the process by which the court gave the plaintiff permission to serve the corrected Notice of Intention to Foreclose). To do so, you must file a written objection under the docket number for the Order to Show Cause.

You also have the right to object to the enclosed corrected Notice of Intention to Foreclose. To do so, you must file a written objection under the docket number for the foreclosure action in your individual case.

For either type of objection, you must set forth with specificity the basis of the objection, and file the objection with the Superior Court Clerk's Office at the following address within 30 days:

Superior Court Clerk's Office, Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclose
P.O. Box 971
Trenton, New Jersey 08625

You must also serve a copy of the objection on the plaintiff's attorney, Kathryn M. Gilbertson Shabel, Esq., at Parker McCay P.A., 9000 Midlantic Drive, Suite 300, PO Box 5054, Mount Laurel, NJ 08054, and mail a copy of the objection to Judge Innes at 175 South Broad Street, Trenton, NJ 08650.

Your personal appearance at the Superior Court Clerk's Office or your local courthouse will not qualify as an objection. A telephone call will not protect your rights; you must file your objection and serve it on the plaintiff's attorney if you want the court to hear your objection to the relief the plaintiff is seeking. If you file a specific written objection, the case will be sent to a Judge for resolution. You will be informed by the Judge of the time and place of the hearing on your objection.

Questions about Filing an Objection

Should you have questions related to the procedure for filing an objection, please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at SCCOForeclosure.Mailbox@judiciary.state.nj.us.



Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054

P: 856-596-8900
F: 856-596-9631
www.parkermccay.com

Foreclosure/Bankruptcy Dept.
P: 856-810-5815
F: 856-596-3427

November 29, 2012

Sent via Certified Mail and Regular Mail

Helen Leitner
11 Old Republic Lane
Evesham, New Jersey 08053

Re: Order to Show Cause - **Order to Show Cause – Special Summary Action**
Authorized by Order of the New Jersey Supreme Court Dated April 4, 2012
by Rushmore Loan Management Services, LLC to issue Corrected Notices of
Intent to Foreclose
Docket No. F-20701-12

Your Foreclosure Action – **TruCap Grantor Trust 2010-2 v. Gary Leitner, et al.**
Docket No. F-1462-09

Dear Ms. Leitner:

Please be advised that the New Jersey Supreme Court recently held in *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012), that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act's requirement that that a Notice of Intention to Foreclose set forth the name and address of the lender.

Why You Are Receiving This Letter

You are receiving this letter because you are the defendant in a pending foreclosure action, and it is believed that the Notice of Intention to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act.

By the court's Order to Show Cause dated October 26, 2012, and in compliance with the Supreme Court's opinion in *U.S. Bank N.A. v. Guillaume*, Hon. Paul Innes, P.J.Ch., Mercer, gave permission to Rushmore Loan Management Services, LLC to serve, along with the Order to Show Cause and Verified Complaint, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012 in which TruCap Grantor Trust 2010-2 is the plaintiff.

Information About the Order to Show Cause and Verified Complaint

Enclosed with this letter are copies of the Order to Show Cause and Verified Complaint. The Verified Complaint lists the following lenders in the following counts of the Verified Complaint:

COUNT ONE- TruCap Grantor Trust 2010-2

The attachments to the Verified Complaint, which list the foreclosure actions in which the above named lenders are the plaintiffs, will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>. If you are unsure of the docket number for your foreclosure action, you can access that information on the court's website on the attached exhibits to the Verified Complaint by entering your name on the automatic search field on the court's website. If you do not have access to a computer or have trouble locating that information on the court's website you can contact a representative at Rushmore Loan Management Services {1-888-504-7300} who can assist you in locating the information about your foreclosure.

Information About the Corrected Notice of Intention to Foreclose

Also enclosed with this letter is the corrected Notice of Intention to Foreclose. It allows you an additional 30 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' fees. It also sets forth important information about your loan, including information on how you can cure the default; the consequences of failing to cure the default; contact information for the plaintiff; and information about retaining counsel and borrower assistance. If you fail to cure the default by the date set forth in the corrected Notice of Intention to Foreclose, the foreclosure action against you will proceed.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the named plaintiff in the foreclosure action. The corrected Notice of Intention to Foreclose lists the name and address of the current lender on your loan.

Questions about the Notice of Intention to Foreclose

Should you have questions with regard to your loan or the corrected Notice of Intention to Foreclose, please contact Rushmore Loan Management Services, LLC at 1-888-504-7300. Additional contact information is provided in the corrected Notice of Intention to Foreclose.

How to File an Objection

You have the right to object to the enclosed Order to Show Cause (the process by which the court gave the plaintiff permission to serve the corrected Notice of Intention to Foreclose). To do so, you must file a written objection under the docket number for the Order to Show Cause.

You also have the right to object to the enclosed corrected Notice of Intention to Foreclose. To do so, you must file a written objection under the docket number for the foreclosure action in your individual case.

For either type of objection, you must set forth with specificity the basis of the objection, and file the objection with the Superior Court Clerk's Office at the following address within 30 days:

Superior Court Clerk's Office, Foreclosure Processing Services
Attention: Objection to Notice of Intention to Foreclose
P.O. Box 971
Trenton, New Jersey 08625

You must also serve a copy of the objection on the plaintiff's attorney, Kathryn M. Gilbertson Shabel, Esq., at Parker McCay P.A., 9000 Midlantic Drive, Suite 300, PO Box 5054, Mount Laurel, NJ 08054, and mail a copy of the objection to Judge Innes at 175 South Broad Street, Trenton, NJ 08650.

Your personal appearance at the Superior Court Clerk's Office or your local courthouse will not qualify as an objection. A telephone call will not protect your rights; you must file your objection and serve it on the plaintiff's attorney if you want the court to hear your objection to the relief the plaintiff is seeking. If you file a specific written objection, the case will be sent to a Judge for resolution. You will be informed by the Judge of the time and place of the hearing on your objection.

Questions about Filing an Objection

Should you have questions related to the procedure for filing an objection, please visit the New Jersey Courts On-Line Self-Help Center at <http://www.judiciary.state.nj.us/prose/index.htm>. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at SCCOForeclosure.Mailbox@judiciary.state.nj.us.

File No. 14942-0061

**Law Offices
PARKER McCAY P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, New Jersey 08054
(856) 596-8900
Attorneys for**

RECEIVED

JAN -7 2013

**SUPERIOR COURT
CLERK'S OFFICE**

**IN RE SPECIAL SUMMARY ACTION
AUTHORIZED BY ORDER OF THE
NEW JERSEY SUPREME COURT
DATED APRIL 4, 2012 BY
RUSHMORE LOAN MANAGEMENT
SERVICES, LLC TO ISSUE
CORRECTED NOTICES OF INTENT
TO FORECLOSE**

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

DOCKET NO. F-20701-12

CIVIL ACTION

CERTIFICATION OF SERVICE

I hereby certify that on this date, I caused the original and two (2) copies of the following documents to be sent for filing via Hand-Delivery to Jennifer Perez, Clerk of the Superior Court, Superior Court of New Jersey, 25 West Market Street, 6th Floor, North Wing, Trenton, New Jersey 08625;

1. Rushmore Loan Management Services, LLC's Reply Brief.

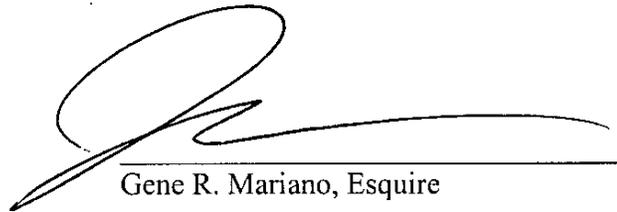
I further certify that on this date, I caused copies of the foregoing documents to be served via hand-delivery on:

The Honorable Paul J. Innes, P.J. Ch.
Civil Courthouse
175 S. Broad Street
Trenton, NJ 08650

Gary Leitner
11 Old Republic Lane
Evesham, NJ 08053

Helen Leitner
11 Old Republic Lane
Evesham, NJ 08053

The foregoing statements made by me are true and correct to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Gene R. Mariano, Esquire

Dated: 1/7/13

January 07, 2013

File No. 14942-0061

SENT VIA HAND DELIVERY
Clerk of the Superior Court
Office of Foreclosure
25 W. Market Street, 6th Floor, NorthWing
Trenton, NJ 08611

RECEIVED
JAN - 7 2013
SUPERIOR COURT
CLERK'S OFFICE

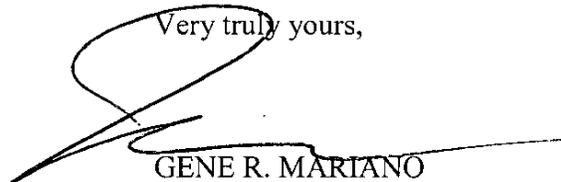
**IN RE: SPECIAL SUMMARY ACTION AUTHORIZED BY ORDER OF THE
NEW JERSEY SUPREME COURT DATED APRIL 4, 2012 BY
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DOCKET NO. F-20701-12

Dear Clerk:

Parker McCay P.A. represents Rushmore Loan Management Services, LLC ("Rushmore") in connection with the above-referenced matter. Enclosed for filing please find and original and two (2) copies of Rushmore's reply brief as permitted by the October 26, 2012 Order to Show Cause executed by The Honorable Paul Innes, P.J.Ch. and a Certification of Service. Kindly file same. This matter is scheduled for oral argument on January 17, 2013 at 2:00 p.m.

Very truly yours,



GENE R. MARIANO

GRM/grm
Enclosures

cc: Gary Leitner (w/encls. via hand-delivery)
Helen Leitner (w/encls. via hand-delivery)
The Honorable Paul Innes, P.J.Ch. (w/encls. via hand-delivery)