

LEGAL SERVICES OF NEW JERSEY, INC.
Melville D. Miller, Jr., President
100 Metroplex Drive, Suite 402
Edison, NJ 08818-1357
Tel.: (732) 572-9100 Fax: (732) 572-0066
Attorneys for *Amicus Curiae* Legal Services of New Jersey
By: Margaret Lambe Jurow

IN RE APPLICATION BY JP MORGAN CHASE BANK, N.A. TO ISSUE CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES.

: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION
: PASSAIC COUNTY
: Docket No. F-21218-12
: Civil Action
: **NOTICE OF MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE**

TO: MORGAN LEWIS LLP
ATTN: Christopher C. Loeber, Esq.
502 Carnegie Center
Princeton, New Jersey 08540

PLEASE TAKE NOTICE THAT pursuant to R. 1:13-9, Legal Services of New Jersey (“LSNJ”) applies for leave to appear as *amicus curiae* in the above matter. We ask that the Court consider this matter on shortened time. We were contacted on Wednesday, October 24, 2012 and asked to participate in a court conference in this matter on Friday October 26, 2012. We were advised that the purpose of the conference is to discuss the time frame for serving corrective notices of intention to foreclose. Chase claims that it is having difficulty serving the notices because of the length of time the loans have been in default.

Identity of Applicant

LSNJ is a non-profit corporation that supports and coordinates New Jersey’s Legal Services system, consisting of a network of six regional Legal Services programs in addition to LSNJ. The Legal Services system is New Jersey’s primary provider of free legal assistance to low-income people in civil matters. LSNJ frequently participates as *amicus curiae* in cases

involving issues of major significance to the State's low-income population. In so doing, it presents perspectives of low-income people as a group rather than the views or interests of the individual litigants.

Issues To Be Addressed

The issue to be addressed in this case is: whether the application for the entry of an Order to Show Cause filed by JP Morgan Chase Bank, N.A. in this matter is inconsistent with the New Jersey Supreme Court decision in the matter of U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012) and with the April 4, 2012 order of the New Jersey Supreme Court in furtherance of its holding, which authorized certain summary actions before this court by a plaintiff that has served a Notice of Intention to Foreclose deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, when such a plaintiff seeks an Order permitting it to serve a corrected Notice of Intention to Foreclose.

Public Interest

This matter involves thousands of families facing foreclosure. Thousands of these families have sought the assistance of LSNJ with their pending foreclosure actions, and will be directly affected by this application. In addition, in this matter unlike the Wells Fargo matter also pending before this Court, Chase seeks to serve corrected notices in cases in which it acknowledged that it cannot show it served any notice at all and it does not distinguish in the application between cases in which a defective notice was served and no notice at all was served. We were contacted and asked to participate in a court conference in this matter. The purpose of the conference is to discuss the time frame for serving corrective notices. Chase claims that it is having difficulty serving the notices because of the length of time the loans have been in default.

Special Expertise and Interest

LSNJ has substantial expertise in consumer matters and has participated in state level advocacy on consumer issues for over thirty years, including participation in the cases of Olive v. Graceland Sales Corp., 61 N.J. 182 (1972), Riley v. New Rapids Carpet Center, 61 N.J. 218 (1972), Lemelledo v. Beneficial Mgmt. Corp., 150 N.J. 255 (1997), Glukowsky v. Equity One, Inc., 180 N.J. 49 (2004), Perez v. Rent-A-Center, 186 N.J. 188 (2006), Hodges v. Sasil Corp., 189 N.J. 210 (2007); Gonzalez v. Wilshire Credit, 207 N.J. 557 (2010).

LSNJ initiated an Anti-Predatory Lending Project in 2002 with the specific mission of defending foreclosure matters and addressing issues that arise in subprime mortgages. Since that time LSNJ has counseled thousands of homeowners with mortgage problems. The Anti-Predatory Lending Project at LSNJ is dedicated to saving homes from foreclosure, protecting home equity and eliminating predatory lending practices. The Anti-Predatory Lending Project assists homeowners who are facing foreclosure who may be at an increased risk of foreclosure because they were deceived or treated unfairly by a mortgage broker, mortgage lender or mortgage servicer. In addition, LSNJ operates the statewide hotline, which provides advice, referral and representation to thousands of low income New Jerseyans in civil legal matters including mortgage foreclosure defense

LSNJ was admitted as *amicus curiae* in the matter *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 Matters*.

Rebecca Schore, Margaret Jurow and David McMillin are senior attorneys coordinating, litigating and formulating policy positions with regard to mortgage foreclosure matters and in consumer fraud. Each of them contributed substantially to Legal Services of New Jersey's

Report and Recommendations to the New Jersey Supreme Court Concerning False Statements and Swearing in Foreclosure Proceedings, November 4th, 2010.

No undue prejudice will result to the parties from LSNJ's participation as *amicus curiae*. LSNJ's participation makes available our expertise in having reviewed and counseled hundreds of homeowners with similar issues to the matter before the Court.

Request To Present Oral Argument In Addition To Filing Briefs or Other Pleadings as May be Appropriate Throughout the Pendency of This Matter

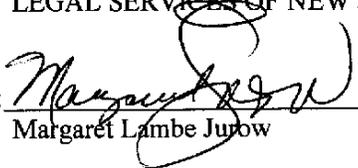
For more than three decades LSNJ traditionally has been granted permission to present oral argument to the New Jersey Supreme Court in cases where it has been granted *amicus* status, as a representative of the perspectives of low-income people and the public interest generally. LSNJ has found that oral argument frequently affords an opportunity to assist the Court by offering both information and legal perspective on questions members of the Court may have after their review of the record and brief. Since many of these questions do not become apparent until oral argument, it is not possible for LSNJ to anticipate and address them fully in a brief. LSNJ believes oral argument will be especially important in this case, given the novelty of the application before the court.

Conclusion

For the foregoing reasons, LSNJ requests that it be permitted leave to appear as *amicus curiae* in this matter and that all pleadings, correspondence with the Court or other parties and all communication with the Court be on notice to LSNJ and not *ex parte*.

Respectfully submitted,

MELVILLE D. MILLER, JR.
LEGAL SERVICES OF NEW JERSEY, INC.

By: 
Margaret Lambe Judow