

September 12, 2013

Via NJLS

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



Marcia W. Denbeaux*
Joshua W. Denbeaux*
Adam Deutsch*
Abigail D. Kahl*
Nicholas A. Stratton*
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Of Counsel
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RE Order to Show Cause in RE JP Morgan Chase NOI
F-21511-13
Frank Bianchetti
F-058763-10

RECEIVED

SEP 16 2013

Margaret M. McVeigh, P.J.Ch.

To whom it may concern:

This law firm represents Defendant Bianchetti with regard to his property. Please accept this letter in opposition to Plaintiff's Order to Show Cause seeking permission to file an amended NOI.

Plaintiff is asking this Court for permission to file a corrective NOI. Pursuant to this Court's Order, Plaintiff is limited to do so in cases foreclosure cases which are uncontested. Defendant believes their foreclosure case falls outside the limited scope set forth by this Court.

Until receiving the notice of motion from JP Morgan Chase, Plaintiff was unaware that a foreclosure action was filed against him and his property. Defendant acknowledges that no answer has been filed in this litigation, but to say it is uncontested is not true. Defendant's lack of awareness of this litigation is not due to willful ignorance, but rather because since Plaintiff filed its complaint in October of 2010 there has been no service of the complaint and literally no action taken by Plaintiff to enforce its rights.

As of September 12, 2013 ACMS shows that only two documents have ever been filed under Docket F-051385-10. A Complaint was filed on December 3, 2010 and the Clerk's Office filed a warning of dismissal on September 6, 2013 due to Plaintiff's lack of prosecution. [**Certification of Adam Deutsch**] Plaintiff has never filed a certification of service for the complaint. This Order to Show Cause is literally the first document provided to Defendant evidencing the existence of a foreclosure action filed by JP Morgan Chase Bank.

This law firm has however been in direct contact with JP Morgan Chase Bank on Defendants behalf. As recently as August 1, 2013 this law firm sent to JP Morgan Chase a Qualified Written

Request seeking verification of the debt claim. JP Morgan Chase responded to the QWR on August 28, 2013. JP Morgan Chase is aware that this law firm represents the Bianchetti's and has communicated directly with us on his behalf. To say the case is uncontested is hardly the truth. Plaintiff simply has not provided an opportunity for Defendants to answer the Complaint.

The limited scope of the Order to Show Cause is intended to permit amended NOI documents to be issued in cases where action has been taken to enforce the plaintiff's rights and the defendant has made no effort to defend its rights. Defendant asks this Court to deny the requested relief as to Defendants Bianchetti.

Sincerely,


Adam Deutsch

Cc: Hon Margaret Mary McVeigh
Superior Court of New Jersey
Passaic County Courthouse
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Counsel for Defendant

IN RE APPLICATION BY JPMORGAN
CHASE BANK, N.A. TO ISSUE
CORRECTED NOTICES OF INTENTION
TO FORECLOSE ON BEHALF OF
IDENTIFIED FORECLOSURE PLAINTIFFS
IN CERTAIN UNCONTESTED CASES

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO.: MRS-L-001682-12

A Civil Action

CERTIFICATION OF ADAM
DEUTSCH, ESQ.

I Adam Deutsch, Esq. of full age hereby certify as truthful the following:

1. I am a senior associate with the law firm of Denbeaux & Denbeaux.
2. This law firm represents Defendants Bianchetti who has been made part of the pending Order to Show Cause.
3. We have been working with the Bianchetti family for quite some time with regard to the loan serviced by JP Morgan Chase.
4. Specifically, Defendants were granted a modification which JP Morgan Chase later breached.
5. The Order to Show Cause notice issued to Defendant relates to a foreclosure filed under F-058763-10.
6. I spoke to my client after reviewing the OSC papers, and he confirmed that he had no knowledge of a 2010 foreclosure.
7. On this date, September 12, 2013 I looked up the 2010 docket on ACMS. I now understand why my client had no knowledge of the 2010 docket.
8. According to ACMS the 2010 complaint was filed on December 3, 2010. Plaintiff has never filed another document in that litigation. There is no proof of service filed with the court and there is no entry of default.
9. On August 1, 2010 this law firm sent a Qualified Written Request to JP Morgan Chase seeking validation of the debt pursuant to the Fair Debt Collection Practices Act.
10. On August 28, 2013 JP Morgan Chase responded to this office.
11. JP Morgan Chase is aware that Defendant disputes the debt, and is aware that this lawfirm represents Defendant. The only reason the case is considered "uncontested" is because Plaintiff has failed to serve the complaint over the past three years.
12. On September 6, 2013 the Clerk filed a Dismissal Warning for lack of prosecution.

The within statemetns are made truthfully. I understand that if any were made willfully false I may be subject to penalty under law.

Dated September 12, 2013


Adam Deutsch, Esq.

