Mr. and Mrs. Curtis J. Cohen
235 Austen Road, Orange, New Jersey 07050
Phone (973) 943-1724 – Fax (973) 675-6593
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September 12, 2013

VIA CERTIFIED MAIL RRR and REGULAR MAIL
Honorable Margaret M. McVeigh, P.J.Ch
The Superior Court of New Jersey, Passaic County Courthouse
71 Hamilton Street, Chambers 100
Paterson, New Jersey 07505

RE: Order to Show Cause: In re Application by JPMorgan Chase Bank, N.A. to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiff's in Certain Uncontested Cases (Superior Court of New Jersey, Chancery Division, Passaic County, Docket No.: F21511-13)

Borrower Name: Curtis J. Cohen and Linda K. Cohen
Loan Number: 0022469357
Plaintiff Name in Foreclosure action: Citibank, N.A. As Trustee for Certificateholders of Structured Asset Mortgage Investments II Trust 2007-AR7, Mortgage Pass-Through Certificates, Series 2007-AR7
Docket Number in Foreclosure action: F-39796-09

Dear Judge McVeigh,

We are defendants in the above captioned matter. Enclosed herewith please find the following documents:

- Objection to: Order to Show Cause and Corrected NOI to Foreclose;
- Certification of Service;

Thanking you in advance.

Respectfully yours,
Linda K. Cohen
Defendant

Enclosures
Cc: Superior Court Clerk's Office, Foreclosure Processing Services
Morgan, Lewis & Bockius LLP
Brian A. Herman, Esq.

FILED Sep 17, 2013

Curtis J. and Linda K. Cohen
235 Austen Road
Orange, New Jersey 07050
(973) 943-1724
Defendants – Pro Se

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SUPERIOR COURT
CLERK'S OFFICE

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
PASSAIC COUNTY

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

DOCKET NO.: F-39796-09 [Foreclosure action]
[F-21511-13 OTSC Action]

CIVIL ACTION

NOTICE OF OBJECTION TO ORDER TO SHOW CAUSE

WE, CURTIS J. and LINDA K. COHEN, the Defendants in the foreclosure matter hereby objects to the Plaintiff's filing of the Order to Show Cause Permitting Service of the Corrected Notice of Intention To Foreclose for the following specific reasons:

Objection: First and foremost, JPMorgan Chase Bank, N.A. has no basis to serve a new or Corrected Notice of Intent to Foreclose because they are no longer the Note Holder. JPMorgan Chase Bank, N.A. is no longer a party of interest under Rule 4:26-1. Rule 4:26-1 which provides in pertinent part that "[e]very action must be prosecuted in the name of the real party in interest[.]" This rule is "ordinarily determinative of standing to prosecute an action." *Pressler, Current N.J. Court Rules, comment* 2.1 on Rule 4:26-1 (2008). "[T]o have standing, a party must have a 'sufficient stake and real adverseness with respect to the subject matter of the litigation[.]'" JPMorgan Chase Bank, N.A. no longer possess such standing and therefore the complaint should be dismissed.

Objection: The Corrected Notice of Intent to Foreclose served on Defendants dated August 6, 2013 is still defective.

The Notice of Intent to Foreclose dated August 8, 2013 and served on Curtis J. and Linda K. Cohen state that the mortgage loan is on defendants' property located at 131 Brookwood Road, Orange, NJ 07050. This is an incorrect property address. Defendants have made countless attempts to have the property address corrected, but to no avail and therefore the complaint should be dismissed.

The Notice of Intent to Foreclose dated August 8, 2013 and served on Curtis J. and Linda K. Cohen state that the mortgage loan on defendants' property located at 131 Brookwood Road, Orange, NJ 07050 (incorrect property address) "held by JPMorgan Chase Bank, N.A.. The Fair Foreclosure Act requires that the Notice of Intent to Foreclose specifically list the name of the lender. A "holder" of the note is a Uniform Commercial Code term, it is not the equivalent of the name of the lender. Therefore, Plaintiff's corrective Notice of Intent to Foreclose is defective and fails to fulfill the requirements of the Fair Foreclosure Act and the Guillaume case and should be dismissed.

Objection: The Fair Foreclosure Act (FFA) answers any question as to whether the Corrected Notice of Intent to Foreclose should be entered at all. EMC Mortgage Corp. v. Chaudhri, 400 N.J. Super. 126, 138 (App. Div. 2008); also, Bank of New York Mellon v. Elghossain, 419 N.J. Super. 336, 342 (Ch. Div. 2010) (Dismissing the complaint, the court held "Lenders' substantial compliance with the FFA is not enough; strict compliance is required" and that post-filing service (or post-judgment cures) of a corrected notice (or deficient NOIs) is not permitted "because this would eviscerate the statues plain meaning and effectively reward Plaintiff for its neglect"). The only point of departure in these cases is whether non-compliance must result in dismissal of the foreclosure complaint. Bank of New York v. Laks, N.J. Super. 2011 WL3424983 (app. Div., Approved for Publication, August 2011), "with regards to remedy...where a notice of intention to foreclose is deficient, dismissal of the foreclosure complaint without prejudice is required."

Objection: New Rule for Civil Procedure 4:3-2. Venue in the Superior Court. (a) Where Laid. Venue shall be laid by the Plaintiff in Superior Court actions as follows:

(1) Actions affecting title to real property or a possessory or other interest therein, or for damages thereto, or appeals from assessments for improvements, in the county in which any affected property is situated;
(2) Actions not affecting real property which are brought by or against municipal corporations, counties, public agencies or officials, in the county in which the cause of action arose;
(3) Except as otherwise provided by R. 4:44A-1 (structured settlements), R. 4:53-2 (receivership actions), R. 4:60-2 (attachments), R. 5:2-1 (family actions), R. 4:83-4 (probate actions), and R. 6:1-3 (Special Civil Part actions), the venue in all other actions in the Superior Court shall be laid in the county in which the cause of action arose, or in which any party to the action resides at the time of its commencement, or in which the summons was served on a nonresident defendant. Therefore, we respectfully request that the Order to Show Cause Permitting Service of the Corrected Notice of Intention To Foreclose be denied and the complaint dismissed.

Objection: JPMorgan Chase Bank, N.A. is improperly using judicial resources to address an issue more properly determined by the legislature.

JPMorgan Chase Bank, N.A is attempting to create a safe harbor form with judicial approval. The judiciary, however, should not be asked en masse to approve a business form for a private corporation in an effort to circumvent the normal judicial process. JPMorgan Chase Bank, N.A has brought on action regarding hundreds of borrowers requiring significant time and resources of the judiciary to save their own resources by not bringing each action in the individual matter it affects and in the county in which the affected properties are situated. This does not constitute judicial efficiency, so much as corporate savings for the movant. He who seeks equity must do equity. JPMorgan Chase Bank, N.A is seeking an equitable remedy permitting them to correct their own errors in violating the specific language and procedures of the Fair Foreclosure Act, which indicates that complying Notice of Intent shall be sent prior to the filing of a foreclosure action. If this action is permitted, the equities will not be balanced. Many homeowners will be harmed by this action unless the Order to Show Caused is denied or reformed to undo the entry of default and permit responsive pleadings as to all affected.

Objection: Defendants object to Plaintiff's filing of the Order to Show Cause Permitting Service of the Corrected Notice of Intention To Foreclose as we respectfully request the opportunity to file responsive pleadings to Plaintiff's Complaint for Foreclosure. To date, we have

yet to be properly served with a copy of Plaintiff's original Complaint for Foreclosure. Defendants are confused and can only speculate as to what stage of the foreclosure process they are currently in. Defendants are unaware as to who actually is active counsel for JPMorgan Chase Bank, N.A. or the current Note Holder.

Objection: Defendants further object as we have been misled and confused by JPMorgan Chase Bank, N.A communications with us regarding potential loan modification, refinancing and even short sale. Our attempts, for the past three years, to resolve our mortgage issues with Plaintiff have been continuously thwarted by Plaintiff. Defendants have provided Plaintiff with application documents; proof of income and proof of unemployment, 4506T form, Hardship Affidavit, bank statements, pay stubs, tax info, signed Dodd-Frank Certificate, etc., for loan modification programs on at least 4 separate occasions and were denied due to delays in Plaintiff's consideration and processing, lost paperwork resulting in repeated requests for documents. We have listed the property on 2 separate occasions and have secured two separate cash Buyers for Short Sale transactions and have been denied both times as Plaintiff would not accept the offers and repeatedly rehearsed that our Buyer's offers were too low, notwithstanding the offers were in accordance with comparable sales in the immediate area, with one comparable 3 doors down from our property. Any alleged loss to the Plaintiff is caused by the actions of Plaintiff. Accordingly, we respectfully request that the mortgage is voided and unenforceable.

Objection: Plaintiff is in violation of the Truth in Lending Act, 15 U S C A 1601 et Seq, as required disclosures were not made prior to or at time of closing of the loan. We have learned that the Loan product we were placed in is a Pay-Option Arm which we were not aware of and had no knowledge about this kind of product. Had we known that our payments would increase and we would loose all the equity in our home, we would not have gone through with the refinance in 2007. We are victims of Predatory Lending, Truth in Lending violations, RESPA violations, and Home Ownership and Equity Protection Act (HOEPA) violations. We will be submitting a formal complaint with the agencies that oversee the above mentioned violations. Accordingly, we respectfully request that the mortgage is voided and unenforceable.

WHEREFORE, Defendants object to the Plaintiff's ability to continue in this Foreclosure Action and respectfully request that, pursuant to *N.J.S.A.* 2A:50-56(c)(11), the Plaintiff's Complaint be dismissed, with prejudice and Plaintiff's filing of the Order to Show Cause Permitting Service of the Corrected Notice of Intention To Foreclose is denied.

Respectfully submitted,

Curtis J. Cohen

Curtis J. Cohen

Linda K. Cohen

Linda K. Cohen

Certification of Service

We hereby certify that on September 12, 2013 we mailed a copy of the above and foregoing written Objection to Order to Show Cause upon the following, to-wit:

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

Morgan, Lewis & Bockius LLP
502 Carnigie Center
Princeton, New Jersey 08540-6241
Attention: JPMorgan Chase Order to Show Cause

Brian A. Herman, Esq.
101 Park Avenue
New York, New York 10178

Date 9/12/13

Curtis J. Cohen

Date 9/12/13

Linda K. Cohen