

**FEIN, SUCH, KAHN & SHEPARD, PC**

7 Century Drive - Suite 201  
Parsippany, New Jersey 07054  
(973) 538-9300

Attorneys for Movant, Third Federal Savings and Loan Association  
of Cleveland

WNA735  
WNA565  
WNA605

---

IN THE MATTER OF APPLICATION BY  
**THIRD FEDERAL SAVINGS AND LOAN**  
**ASSOCIATION** TO ISSUE CORRECTIVE  
NOTICES OF INTENT TO FORECLOSE  
AS PLAINTIFF IN UNCONTESTED  
RESIDENTIAL MORTGAGE  
FORECLOSURE CASES,

---

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION  
: MERCER COUNTY  
: DOCKET NO.: F-021960-12  
: Civil Action  
: **ORDER TO SHOW CAUSE**  
:  
:  
:

**THIS MATTER** being brought before the Court by Fein Such, Kahn and Shepard, P.C., attorneys for the applicant, THIRD FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND, (hereinafter referred to as "Third Federal"), the foreclosure plaintiff in pending foreclosure actions in New Jersey, seeking relief by way of a summary proceeding, to direct the entry of an Order permitting the movant to issue a corrective Notice of Intent to Foreclose ("hereinafter referred to as "NOI"), and

based upon the New Jersey Supreme Court's decision in U.S. Bank v. Guillaume, 209 N.J. 449 (2012), the implementing Order of Chief Justice Stuart Rabner of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

**IT IS** on this        2nd        day of    November        , 2012,

**ORDERED**, that the Foreclosure Defendants who appear on the Annexed Schedule as Exhibit "A" annexed hereto appear and show cause before the Superior Court of New Jersey at the Mercer County Courthouse in        Trenton        , New Jersey at 2:00 o'clock in the afternoon on    February 14        , 2013 to object to this Court's allowing Third Federal to issue corrective Notices of Intent to Foreclose pursuant to this Order to Show Cause, and why an Order should not be entered as follows:

1. Declaring Plaintiff's proposed form of Notice of Intention to Foreclose to be compliant with the New Jersey Fair Foreclosure Act, N.J.S.A. 2A:5-53, et seq., and
2. Permitting Third Federal, the applicant herein to mail new Notices of Intention to Foreclose, permitting the borrowers set forth in the schedule annexed hereto at least thirty (30) days from the date of the letter is mailed to cure the default on their mortgage, absent any attorney's fees or court costs, and
3. Granting such other and further relief as this Court may deem just and equitable within the instant circumstances.

**IT IS FURTHER ORDERED**, that:

- A.** As instructed by the New Jersey Supreme Court in its April 4, 2012 Order, Applicant Third Federal shall issue

a corrective Notice of Intention to Foreclose in the form attached hereto as an Exhibit, along with an Explanatory Letter in the form promulgated by the Court and also attached hereto as Exhibit "B", to each defendant/mortgagor and/or parties obligated on the debt (hereinafter referred to as "Foreclosure Defendants"), in the pending uncontested foreclosure action(s) along with a copy of this Order to Show Cause and Verified Complaint within 14 days of the date of the entry of this Order.

**B.** That Third Federal will issue a corrective Notice of Intent to Foreclose (hereinafter referred to as "NOI") in the form attached as Exhibit B to the Verified Complaint, and shall attach such NOI to the Explanatory letter made reference to in paragraph A above. The corrective NOI will not include any attorney's fees or foreclosure costs which have been incurred in the pending foreclosure matters. Such corrective NOI, Explanatory letter, Verified Complaint and Order to Show Cause (hereinafter referred to as "the Order to Show Cause Package") will be mailed by Certified Mail, return receipt requested and by ordinary mail to the last known address of the borrowers/ persons obligated under the Note, as husband and wife, if applicable. All interested parties who reside within the United States shall also be served by publication as further outlined below in this Order.

**C.** A copy of this Order to Show Cause and Verified

Complaint shall be posted the New Jersey Courts website at www.judiciary.state.nj.us.

**D.** Along with this Order to Show Cause, Applicant Third Federal may serve the corrective Notice of Intention to Foreclose allowing the borrower at least thirty (30) days to cure the default on their subject mortgage without having to pay attorney's fees or court costs, in a form attached to the application herein. Plaintiff will also include a Cover letter in the form annexed hereto as Exhibit "C".

a. For any borrower who is in an active bankruptcy action in which the provisions of the Automatic Stay under Federal Law are currently in effect, Plaintiff may serve a copy of this Order to Show Cause and Amended Verified Complaint but may choose to delay serving a corrective notice of Intention to Foreclose until such time as relief from the automatic stay has been obtained, if the applicant believes that doing so would be deemed violative of the automatic stay.

**E.** Applicant will publish the legal notice of this action in the form set forth in Exhibit "D" to the Certification of Shari Seffer, Esq., in support of this application at least two days prior to December 5, 2012, in each of the following newspapers:

- a. The Star Ledger,
- b. Bergen Record,
- c. Atlantic City Press, and
- d. Gloucester County Times.

**F.** Third Federal shall file with the Court a proof of service of the Order to Show Cause Package on the Foreclosure Defendants no later than nine (9) days prior to the return date of the Order to Show Cause.

**G.** The Court will only entertain objections to the process outlined in the New Jersey Supreme Court's Order of April 4, 2012. Any party in interest who wishes to object to the process must file an objection bearing the docket number in this action, **IN WRITING**.

**H. YOU, THE FORECLOSURE DEFENDANTS, will have until January 7, 2013 in which to OBJECT to the Order to Show Cause, the issuance of the Corrective Notice of Intent to Foreclose and or/the content of the Corrective Notice of Intent to Foreclose. Any objections to this Order to Show Cause or the issuance of the Corrective NOI shall be made in writing stating forth the basis of the objection with specificity. Said objection must be filed with the Clerk of the Superior Court of New Jersey, CN 971, Trenton, New Jersey 08625 and to Fein, Such Kahn and Shepard, P.C., Attention Shari Seffer, Esq., attorneys for the applicant at 7 Century Drive, Parsippany, New Jersey 07054. A telephone call will not protect your rights and you may not appear in person**

before the Clerk of the Superior Court in Trenton, New Jersey. You must file and serve your objection as set forth above if you want the court to hear your objection to the relief that Third Federal is seeking.

I. You, foreclosure defendants also have the right to object to the corrective Notice of Intent to Foreclose you receive. You will also have thirty (30) days from the date of service of the Notice of Intent to Foreclose to cure your default. If you object to any of the corrections, you must file a written objection under the docket number OF YOUR FORECLOSURE ACTION as set forth in the schedule annexed hereto. You must set forth your objection with specificity and file your objection with the Superior Court Clerk's office, CN 971, Trenton, New Jersey 08625, on or before January 7, 2013.

You must also serve a copy of the objection on Third Federal's attorney, Shari Seffer, Esq., at Fein Such Kahn and Shepard, P.C., 7 Century Drive, Parsippany, New Jersey 07054 and mail a copy of your objection to the Judge who has signed this Order to Show Cause (see which Judge noted below with an 'x').

( ) Honorable Margaret Mary McVeigh, Judge, Superior Court of New Jersey Passaic County, 71 Hamilton Street, Chambers 100, Paterson, New Jersey 07505.

(XX) Honorable Paul Innes, Judge, Superior Court of New Jersey, Chancery Division, Mercer County, Mercer County Civil Court Building, 175 South Broad Street, P.O. Box 8068, Trenton, New Jersey 08650-0068.

J. In the event that a foreclosure action has been

suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the Order to Show Cause Package shall not be sent unless or until the stay has been lifted or loss mitigation options have ceased. In such circumstances, the following procedure shall be used;

- K.** Third Federal shall mail the Order to Show Cause package within forty-five (45) days of the lifting of the automatic stay in bankruptcy or suspension of the foreclosure action. You, the foreclosure defendant will have either thirty (30) days in which to object to the corrective, Notice of Intent to Foreclose or thirty days from the date of the service of the Order to Show Cause Package to cure your default. Any objection to the relief set forth in this Order to Show Cause, which written objection must be set forth with specificity, shall be in writing to the County in which your foreclosure action is pending as noted in the schedule annexed hereto. You must also send a copy of your written objection to Third Federal's attorneys, Fein Such Kahn and Shepard, P.C., Attn: Shari Seffer, Esq., or the court handling your foreclosure action will not be able to consider your objection.
- L.** If the foreclosure defendant cannot afford an attorney, you may call the Legal Services Office in the County in which you live. A list of these offices is provided with the Corrective NOI.
- M.** If a written objection has been properly filed and

served, the Applicant's written reply to same shall be filed and served by January 22, 2013. A copy of the reply, if any shall be served upon the Clerk of the Superior Court in Trenton and to the Judge assigned to the case as well as the to the objecting party.

**N.** A proposed form of Order addressing the relief sought on the return date (along with a self-addressed, stamped envelope with proper postage affixed thereon) must be submitted to the court no later than nine (9) days prior to the return date of this Order to Show Cause.

**O.** The Court will entertain oral argument, but not testimony, on the return date of the Order to Show Cause, unless Third Federal is advised to the Contrary no later than February 7, 2013, which date is before the return date of this Order to Show Cause.

  
PAUL INNES, P.J. CH.