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January 21, 2013

Via Overnight Delivery

Robert J. Haak
401 Rock Bed Court
Unit 2003
Murrells Inlet, SC 29576-9222

Re: *In re Application of Franklin Credit Management Corporation to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Uncontested Cases*
Docket No. F-022940-12

Dear Mr. Haak:

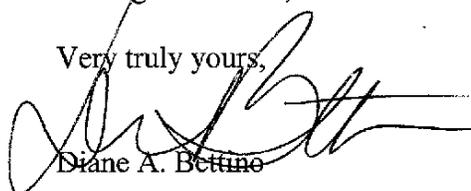
This firm represents Franklin Credit Management Corporation ("Franklin Credit") in the matter In re application of Franklin Credit Management Corporation to Issue Corrected Notices of Intention to Foreclose. We are in receipt of your letter in response to the Order to Show Cause ("OSC").

Pursuant to the OSC filed November 2, 2012, Foreclosure Defendants had the right to object to the process by which this Court gave Franklin Credit permission to serve the corrected Notices of Intent to Foreclose ("NOIs"). *Order to Show Cause* ¶ 7. If a Foreclosure Defendant objected to any of the contents of the corrected NOI, the Defendant was required to file a written objection under the docket number for the Defendant's individual foreclosure action. *Order to Show Cause* ¶ 8.

We have reviewed your letter and you seek to raise issues as to whether you were the subject of predatory lending and issues concerning your unsuccessful attempts at modifying your loan. However, neither of those issues relates to the Order to Show Cause process or to the corrected NOI that you received. To the extent that you seek to raise the issues outlined in your objection, you must take the appropriate action in your individual foreclosure case (Docket No. F-022925-06).

If you have any questions concerning this matter, do not hesitate to contact me.

Very truly yours,



Diane A. Bettino

cc: Superior Court Clerk's Office (Via JEFIS on January 22, 2013)

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January 22, 2013

Via JEFIS

The Honorable Paul Innes, P.J.Ch.
Mercer County Civil Courts Building
175 South Broad Street
P.O. Box 8068
Trenton, NJ 08650

*Re: In re Application of Franklin Credit Management Corporation To Issue Corrected
Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in
Uncontested Cases
Docket No. F-022940-12*

Dear Judge Innes:

This firm represents Franklin Credit Management Corporation ("Franklin Credit") in the above-referenced matter. Pursuant to the deadlines set forth in the Order to Show Cause ("OSC") entered by this Court, Franklin Credit writes to this Court in response to the objection filed by Ronald and Linda Taylor. In their Objection, Mr. and Mrs. Taylor raise two issues: (1) they dispute the amount set forth in the Corrective Notice of Intent to Foreclose ("NOI") and, (2) they assert that their foreclosure case is contested and therefore, should not be part of this OSC. As is set forth in more detail, neither issue is sufficient to exclude the Taylors from this OSC.

1. Breakdown of Amounts Due and Owing

With regard to the objection that the amounts set forth in the Corrective NOI are not correct, Franklin Credit will provide the Taylors with a further breakdown of the amounts due on their default mortgage loan. That issue, however, is not sufficient to exclude them from the Final Order in this matter and does not relate to determining the appropriate remedy for a violation of N.J.S.A. 2A:50-56(e)(11). The amount due and owing at Final Judgment can be addressed when the application for Final Judgment is made to the Court by Franklin Credit.

2. The Underlying Foreclosure Case is Not Contested

Mr. and Mrs. Taylor also assert that their case is contested. They assert that they "filed a timely, contesting answer to the original summons and complaint in 2008." Although Mr. and Mrs. Taylor contend that they timely answered the Complaint in their foreclosure action, they have not done so. They correctly acknowledge that the JEFIS docket reflects that they never filed an Answer. *Kurtis*

January 22, 2013
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*Cert., Exh. A.*¹ Further, Parker McCay, foreclosure counsel in Mr. and Mrs. Taylor's foreclosure case, confirmed that they never received an Answer in response to Franklin Credit's Complaint or in response to the Amended Complaint. *Kurtis Cert.*, ¶ 3.

Most importantly, in their objection, Mr. and Mrs. Taylor provide absolutely no evidence that they ever filed an Answer. They have provided no documentation to prove that they filed an answer, such as the alleged Answer, cover letter, receipts, etc. This Court should not give credence to Mr. and Mrs. Taylor's hollow and unsubstantiated contention.

Finally, the JEFIS docket reflects that the Court entered default against Mr. and Mrs. Taylor on June 6, 2008. *Kurtis Cert., Exh. A.* If Mr. and Mrs. Taylor had answered the Complaint, the Court would not have entered Default against them. Because they did not answer and default was entered, the case became uncontested under the New Jersey Court Rules. See R. 4:64-1(c) ("An action to foreclose a mortgage . . . shall be deemed uncontested if . . . (1) a default has been entered as the result of failure to plead or otherwise defend."). Further, in August of 2008, Mr. and Mrs. Taylor filed a Motion to lift the default, indicating that they *sought to contest* their foreclosure, but that they had not yet done so. *Kurtis Cert., Exh. A.* However, the Court denied that Motion. *Id.*

Simply stated, the case is uncontested and the Court has already denied their request to lift the default. Therefore, they were properly included in this case, seeking to correct their NOI. See April 4, 2012 Order of Chief Justice Stuart Rabner. As such, delaying the present matter so that Mr. and Mrs. Taylor may inquire as to their alleged (and unfiled) Answer is improper.

Since Mr. and Mrs. Taylor's case is uncontested, and since Franklin Credit will provide Mr. and Mrs. Taylor with breakdown of their default figure, we respectfully request that the Court strike Mr. and Mrs. Taylor's objection.

We thank the Court for its consideration of this matter.

Respectfully submitted,



Diane A. Bettino

cc: Superior Court Clerk's Office (Via JEFIS)
Ronald and Linda Taylor, Pro Se (Via Overnight Mail and certified mail)

¹ Mr. and Mrs. Taylor recognize that the alleged Answer does not appear on the ACMS document list and indicate that they have made an application to the General Equity Judge in Gloucester County to determine what happened to the alleged Answer.

REED SMITH LLP

Formed in the State of Delaware

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Attorneys for Franklin Credit Management Corporation

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IN RE APPLICATION BY FRANKLIN
CREDIT MANAGEMENT
CORPORATION TO ISSUE
CORRECTED NOTICES OF INTENT
TO FORECLOSE ON BEHALF OF
IDENTIFIED FORECLOSURE
PLAINTIFFS IN UNCONTESTED
CASES
.....

:/ SUPERIOR COURT OF NEW JERSEY
:/ CHANCERY DIVISION
:/ MERCER COUNTY

:/ DOCKET NO.: F-022940-12

:/ CIVIL ACTION

:/ CERTIFICATION OF
:/ BEN R. KURTIS
:/

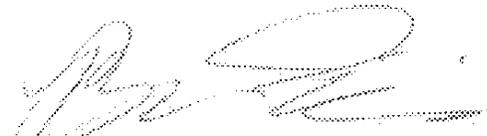
I, Ben R. Kurtis, do hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey and an associate with the law firm of Reed Smith LLP, attorneys for Franklin Credit Management Corporation in the above-captioned action.

2. Attached hereto as Exhibit A is a true and correct copy of the docket in Ronald and Linda Taylor's foreclosure case, docket number F-9776-08, as of January 21, 2013.

3. During the week of January 14, 2013, I corresponded with Parker McCay, foreclosure counsel in Mr. and Mrs. Taylor's foreclosure case. Based on that correspondence, Parker McCay has no recollection of Mr. and Mrs. Taylor ever having filed an Answer.

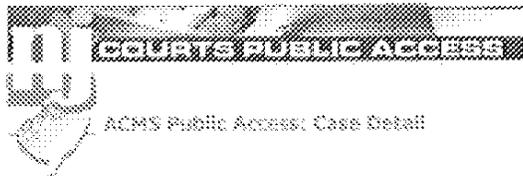
4. The foregoing statements made by me are true, and I understand that I am subject to penalty if any of the foregoing statements are willfully false.



Ben R. Kurtis

Dated: January 22, 2013

EXHIBIT A

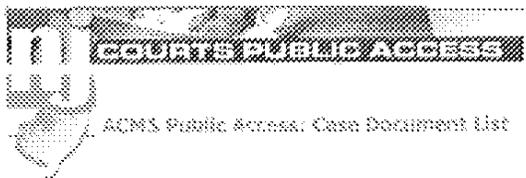


ACMS Public Access: Case Detail



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CASE TITLE : TRIBCCA LENDING CORP VS TAYLOR	
CASE FILED DATE : 03 11 2008	CASE TYPE : ORF RESIDENT F
CASE STATUS : ACTIVE	CASE INITIATION TYPE: C COMPLAINT
DISPOSITION TYPE :	DATE DISPOSED : 00 00 0000
DISCOVERY DATE :	ARGUMENT REQST DATE : 00 00 0000
CASE FERRY COUNT : 003	JUDGMENT ENTERED : NO
FIRST ANSWER DATE :	ACTUAL SERVICE DATE :
DEFECTD SERVICE DATE:	CONSOLIDATION STATUS:
CONSOLIDATION TYPE :	DATE TRANSFERRED OUT:
TRANSFER FROM VENUE : TO	LAST PROCEEDING DATE: 11 21 2008
LAST PROCEEDING TYPE: MOTION HM3	PENDING ACTION DATE: 04 25 2008
PENDING ACTION : PG ANSWER	DEMAND AMOUNT : 0.00
UNDISTRIBUTED AMOUNT: 0.00	DEMAND AMOUNT : 0.00
OF ATTORNEY/PRO SE : NO OR HAS AN ATT	SERVOIC INDICATOR : NO
ORF DISPUTE RESOLUTIN: TRIAL	TITLE 59 INDICATOR : NO
JURY REQUEST : NO JURY	CASE IMPOUNDED : NO
DATE ENTERED : 03 13 2008	

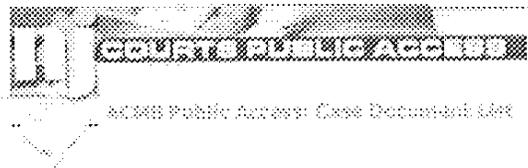
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 BUILD 2012.1.0.02.02 Timer Count down: 298



MORE ...

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	03 11	2008 001	COMPLAINT			TRIBECA LEND	PARKER & MOC	N			
	06 06	2008 006	SUBPOENA		01 TAYLOR		ATTY REQUIRE	N			
	06 06	2008 007	SUBPOENA		01 TAYLOR		ATTY REQUIRE	N			
	06 06	2008 008	REQ DRFLT			TRIBECA LEND	PARKER & MOC	N			
	08 01	2008 003	MOVN VAC DEFERE			TAYLOR	ATTY REQUIRE	N	DN		
	08 07	2008 002	WAIVER OF FEES			TAYLOR	ATTY REQUIRE	N			
	08 29	2008 004	FINAL JUDG APPL			COURT INIT		N			
	11 21	2008 005	ORDER VAC DEFERE			TAYLOR	ATTY REQUIRE	N	DN		
	12 18	2008 009	PDF MAIL			TRIBECA LEND	PARKER & MOC	N			
	02 27	2009 010	JDS FKG REVOKD			COURT INIT		N			

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 Session ID: FAFWB Case Count: 1
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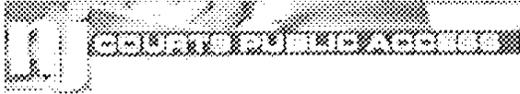


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END OF LIST

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2	06 23	2010	012	FYRAL JUDG APPL	COURT INIT				N	
3	06 03	2010	013	NOTICE MOTION	TRIBECA LEND	PARKER	2	MCC	N	
4	04 08	2011	014	JDG PEG RETURN	TRIBECA LEND	PARKER	2	MCC	N	
5	02 08	2012	015	MISC SUB APPL	TRIBECA LEND	PARKER	2	MCC	N	

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 6/13/2012 10:02 AM Case Court: 100



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END OF LIST

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VENUE      : SUP CLERK   COURT : GENL EQUIT  DOCKET # : F 009776 08
CASE TITLE : TRIBECA LENDING CORP VS TAYLOR
SE DISP :                               DISP DATE: 00 00 0000  CASE STATUS: ACTIVE

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PTY NO	PARTY NAME	PTY TYPE	PTY STATUS	DISP DATE
001	TRIBECA LENDING CORP	PF	ACTIVE	
002	TAYLOR RONALD M	DF	DEFAULTED	06 06 2008
003	TAYLOR LINDA	DF	DEFAULTED	06 06 2008

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