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January 7, 2013

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

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY NATIONSTAR MORTGAGE LLC
Docket No.: F-23925-12

Dear Clerk:

This firm represents defendants Leon and Nenita Deguenon ("Defendants") in the above-referenced matter. Enclosed please find for filing an objection to Plaintiff's Order to Show Cause, and an objection to the corrected Notice of Intent to Foreclose ("NOI").

You are hereby authorized to charge our Collateral Account **142463** the filing fee

Should you have any questions, please do not hesitate to contact our office. Thank you.

Very truly yours,
JOSEPH A. CHANG & ASSOCIATES, L.L.C.

JAC/em
Enclosure

/s/ *Joseph A Chang*
Joseph A Chang

cc: Gayl C.Spivak, Esq. (Via FedEx)

Joseph A. Chang & Associates, LLC
951 Madison Avenue
Paterson, New Jersey 07501
973-925-2525
Attorneys for Defendants
Leon Deguenon and Nenita Deguenon

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY NATIONSTAR MORTGAGE LLC	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY Docket No.: F-23925-12 Civil Action **CERTIFICATION OF FILING AND SERVICE**

Elizabeth Marriott, being of full age, hereby certifies as follows:

1. I am a paralegal at the law firm of Joseph A. Chang & Associates, LLC, counsel for Defendants Leon and Nenita Deguenon ("Defendants").

2. On January 7, 2012, I caused to E-File via JEFIS, the following documents:

   a. Objection to Order to Show Cause;
   b. This Certification of Service.

3. On January 7, 2013, I have also caused to be served a true and correct copy of these documents by sending same via FedEx to counsel of record at the following address:

   Gayl C.Spivak, Esq.

McCabe, Weisberg & Conway, P.C.
216 HaddonAvenue, Suite 303
Westmont, NJ 08108
Counsel for Plaintiff Nationstar Mortgage, LLC

I certify under penalty of perjury that the foregoing is true and correct.

JOSEPH A. CHANG & ASSOCIATES, LLC
/s/Elizabeth Marriott
Elizabeth Marriott, Paralegal

Joseph A. Chang & Associates, L.L.C.
951 Madison Avenue
Paterson, New Jersey 07501
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Attorneys for Leon and Nenita Deguenon

IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY NATIONSTAR MORTGAGE LLC	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MERCER COUNTY Docket No.: F-23925-12 Civil Action **OBJECTION TO ORDER TO SHOW CAUSE**

Leon and Nenita Deguenon, recipients of applicant's Order to Show Cause and defendants in Docket No. F-749-10, object to Nationstar Mortgage, LLC's order to show cause for the following reasons:

Objection: Leon and Nenita Deguenon are not properly within the class of homeowners identified by the Order to Show Cause.

The order to show cause was authorized specifically for uncontested foreclosure cases. The Deguenons have filed a Motion to Vacate Default in Docket No. F-749-10 and the issue is being actively litigated. A request to reform the Notice of Intent to Foreclose, as is at issue in the pending order to show cause, would be more properly heard by the trial judge, Hon. Hector R. Velazquez, in the Hudson County Superior Court, Chancery Division, where this matter is actively proceeding. As such, the Dumendens object to being subject to the order to show cause and the permission to file a corrective Notice of Intent to Foreclose. They ask that this Court deny the order to show cause as it directly effects the defendants of Docket No. F-749-10. This request is brought before the wrong court and must be withdrawn and filed through the contested foreclosure action.

Objection: Counsel did not receive notice of the pending action.

Counsel has appeared of record in the underlying foreclosure action referenced in the exhibit to the Order to Show Cause. However, counsel was not notified by Nationstar that an Order to Show Cause had been issued which affects the proceedings in the foreclosure matter. Instead, Nationstar chose to communicate directly with the clients outside of the presence of counsel in violation of the Rules of Court and the Rules of Professional Conduct. R. 1:5-1 and 2;RPC 4.2. Counsel's due diligence in searching the voluminous exhibits revealed which clients were subject to the Order.

Objection: Notice of Intent deficiency issues have been raised in applications filed under the foreclosure dockets.

Counsel has filed objections to the sufficiency of the Notices of Intent filed with the county in pending actions. Counsel has properly brought the issue before the Chancery Court and has been litigating in search of a remedy appropriate to the circumstances of the case. To permit Nationstar to correct the Notices of Intent at this point would be fundamentally unfair to the homeowners that have raised the issue, and are either awaiting argument, awaiting an order, or awaiting a final judgment before raising the issue on appeal. Permitting the proposed corrections at this juncture strips the homeowners of the rights they have asserted in presenting the issue as an affirmative defense.

Objection: Nationstar did not attach the Complaint to the issued notices and Defendant rejects such improper service.

Contrary to Rules of Court R. 4:67-2 and R. 4:52-1(b), a copy of the complaint was not attached to the explanatory letter served upon defendants subject to the Order to Show Cause, despite the letter's reference to the complaint. Such absence is confusing to defendants and creates imperfect service. Applicants were excused from serving the exhibits to the complaint on every homeowner, but they were not excused from serving the complaint at all. As such, Applicant did not serve the complaint in compliance with the court rules, proper service of the Order to Show Cause has not been effectuated, and the fundamental due process rights of the homeowners have been violated.

Objection: Nationstar did not properly serve the identified homeowners.

The Order to Show Cause requires that the packages be sent certified and regular mail to all homeowners identified in the exhibit. The only exception pertained to married borrowers. The certified mail copy of the packages was not received by the homeowners, and it is believed that Nationstar only sent the packages via regular mail. Additionally, certain homeowners identified in the exhibits did not even receive the regular mail copy of the package. Counsel's due diligence permits a response on their behalf, but many of the homeowners identified in the exhibit are not represented by counsel and do not have a 3rd party protecting their interests.

Objection: The language of the proposed Notice of Intent to Foreclose is misleading.

All of the mortgagors identified in the Order to Show Cause are defendants in active foreclosure litigation with the debt accelerated as due in full. However, the proposed corrective Notice of Intent to Foreclose indicates that the mortgagor is in a pre-foreclosure status, that the debt may be accelerated, and that the servicer will start a mortgage foreclosure action upon failure to forward the amount indicated. It later says "we may file initiate foreclosure proceedings against you…," which again indicates that such an action has not already been commenced.

In addition, the Notice fails to include an amount for which Nationstar claims the homeowners are in default. The Notice simply states that "we have not received the installment

in the amount of $204,094.60, due from the months of August 1, 2009," a sentence which ends incomplete and without punctuation. There is no breakdown of the amount owed in payments and fees, and does not state the amount of months the Dumendens are behind.

These notices are not tailored to the situation at hand and are written in a manner that is confusing to the mortgagor. The majority of persons affected by the Order to Show Cause have not retained counsel and will be misled by the language contained therein. It appears that the moving party is merely attempting to use judicial resources to approve a proposed form for future notices without regard for the deficiencies they are currently encountering. This form does not clearly indicate the nature and status of the debt and litigation as to the parties it is meant to effect. This is merely an attempt to sweep past mistakes under the rug without actually addressing the gravity of the situations that have arisen due to those mistakes.

There are many reasons the homeowners may not be participating in the case, including improper service of process. To permit the language of the NOI as it is presented, without reference to the pending foreclosure action, is unjust and misleading. It is an often quoted maxim in chancery that he who seeks equity must do equity. Here, Nationstar is seeking an equitable remedy permitting them to correct their own errors in violating the specific language of the Fair Foreclosure Act, which indicates that the complying Notice of Intent *shall* be sent prior to the filing of a foreclosure complaint. However, Nationstar is now seeking equitable relief in the form of judicial permission to correct their many statutory violations on a broad basis after the filing of a foreclosure action. If this action is permitted, the equities will not be balanced. The homeowners will be harmed by this action unless the Order to Show Cause is denied or reformed to undo the entry of default and permit responsive pleadings as to all affected homeowners.

Objection: Nationstar is improperly using judicial resources to address an issue more properly determined by the legislature.

Nationstar 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. Nationstar has brought one 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. This does not constitute judicial efficiency, so much as corporate savings for the movant. If the legislature intended that there be one specific form that addressed all of the issues required by a Notice of Intent to Foreclose, they would have added such a form to the statute. Their declining to do so is not to be seen as an oversight, but as an indication of their intent. Nationstar did not treat this application seriously enough to be entitled to the relief sought.

Objection: Nationstar has not provided reliable contact information for questions and concerns.

The Fair Foreclosure Act demands than an individual be named in the Notice of Intent who can address the many concerns a homeowner might have when receiving a notice. In the proposed corrective notices, Nationstar appears to recognize this mandate and has placed an

individual's name for contact purposes. However, it is evident that Nationstar has not made a good faith effort to permit homeowners to contact the named party.

Nationstar has not provided actual contact information in the correspondence section for the named party. They have provided a phone number for Tempestt Harper that is inaccurate and does not provide a line of communication to the identified party. In fact, the undersigned counsel was unable to connect a call to the given phone number, receiving a notification that the call could not be completed as dialed.

For the reasons stated above and for those reasons that may be raised in the additional objections, it is respectfully requested that Nationstar's Order to Show Cause be denied in its entirety and/or denied as to the specifically identified homeowner at issue in this objection. It is also respectfully requested that counsel fees be awarded in favor of the identified homeowners for bringing this action against parties not appropriately within the defined class.

JOSEPH A. CHANG & ASSOCIATES, LLC

DATED: January 7, 2012

Joseph A. Chang
Joseph A. Chang, Esq.