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 MERCER COUNTY  
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**IN RE SPECIAL SUMMARY ACTION  
 AUTHORIZED BY ORDER OF THE  
 NEW JERSEY SUPREME COURT  
 DATED APRIL 4, 2012 BY  
 EMIGRANT MORTGAGE  
 COMPANY, INC. TO ISSUE  
 CORRECTED NOTICES OF INTENT  
 TO FORECLOSE**

**SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION  
 MERCER COUNTY**  
  
**DOCKET NO. F-024626-13**  
  
**FINAL ORDER**

**THIS MATTER** being brought before the Court by the law firm of Klehr Harrison Harvey Branzburg LLP, attorneys for Emigrant Mortgage Company, Inc. ("Emigrant"), seeking relief by way of summary action as set forth in Chief Justice Stuart Rabnor's April 4, 2012 Order and based upon the facts set forth in the Verified Complaint filed July 31, 2013, the Certification of Nadine Yackle and all other documents submitted; and this Court having made the following findings of facts and conclusions of law:

1. This matter was commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, in accordance with Chief Justice Rabner's April 4, 2012 Order, and the Honorable Paul Innes, P.J.Ch. having entered an Order to Show Cause on July 31, 2013, setting a return date of April 25, 2013; and
2. The Order to Show Cause provided that all Foreclosure Defendants listed on Exhibit "B" of the Verified Complaint ("Exhibit B") appear and show cause why this Court should not allow Emigrant to send new Notice of Intention to Foreclose; and

3. The Order to Show Cause and supporting documents were served by Plaintiff on each Defendant by regular and certified mail, return receipt requested, at the property address and mailing address, if different; and
4. One of the documents served on each Foreclosure Defendant was a new Notice of Intention to Foreclose that complies with the requirements of N.J.S.A. 2A:50-56; and
5. Defendants that were in active bankruptcy, with the provisions of an automatic stay still in effect, were not served with a copy of the Order to Show Cause, corrected Notice of Intention to Foreclose and supporting documents; and
6. There being no objections to the relief sought by the Plaintiff;

*on this 20th day of November 2013*  
IT IS ORDERED that the Plaintiff's request to send new Notices of Intention to Foreclose on pre-judgment foreclosure matters listed in Exhibit B is hereby GRANTED; and

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of the Order to Show Cause, corrected Notice of Intention to Foreclose and supporting documents to Defendants that were in an active bankruptcy once the provisions of the automatic stay in the bankruptcy case are no longer in place; and

IT IS FURTHER ORDERED that for any matter listed on Exhibit B wherein a defendant was not served because the defendant was in bankruptcy, the plaintiff in the action may file a motion with the chancery court in the vicinage where the mortgaged premises is located for permission to file an amended Notice of Intention to Foreclose once the automatic stay is vacated; and

IT IS FURTHER ORDERED that since more than thirty (30) days have elapsed since the service of the new Notices of Intention to Foreclose, Plaintiff may resume any foreclosure listed on Exhibit B where the Defendant has not reinstated the loan; and

IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of final judgment, upon the submission of appropriate application to enter judgment, on any foreclosure that was subject to this Order to Show Cause; and

IT IS FURTHER ORDERED that a copy of this Final Order shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>.

IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of Final Judgment upon the submission of an appropriate application to enter Judgment in any Foreclosure that was subject to this Order to Show Cause. Any previously filed motions for entry of Final Judgment that are pending review by the Office of Foreclosure are to be withdrawn and a spreadsheet is to be submitted to the Superior Court Clerk's Office listing the cases in which motions for entry of Final Judgment are being withdrawn and completed/updated motions for entry of Final Judgment (including CODIs) are to be filed on notice to the Foreclosure Defendants once the withdrawals are complete); and

IT IS FURTHER ORDERED that within seven (7) days, Plaintiff shall serve a copy of this Order, by regular mail, upon any party that has filed a written objection in this matter.

November 20, 2013



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HONORABLE PAUL INNES, P.J.CH.