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IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY CENTRAL MORTGAGE	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION F -028126-13 DOCKET NO: F- CIVIL ACTION **VERIFIED COMPLAINT**

FACTS

1. Central Mortgage, hereinafter "Central Mortgage is a corporation of the State of Arkansas.
2. Central Mortgage services residential mortgage loans throughout the country, including loans in the State of New Jersey.
3. As servicer, Central Mortgage is responsible for collecting the monthly mortgage payments, loss mitigation, collection efforts, including foreclosure, and maintaining the books and records for each mortgage loan.
4. While foreclosure is always the last resort, after a loan goes into default, the servicer is also responsible for sending the Notice of Intention to Foreclose (hereinafter "NOI"). See, Verification of Ben A. Coleman Paragraph 5 (Hereinafter "Coleman Cert".
5. The Fair Foreclosure Act, N.J.S.A. 2A:50-56(c) (hereinafter :"FFA"), enumerates eleven categories of information that are to be included in the NOI. One such category is the

name and address of the lender. N.J.S.A. 2A:50-56(c)(11). Pursuant to the FFA, the term 'lender' means "any person, corporation, or other entity which makes or holds a residential mortgage, and any person, corporation or other entity to which such residential mortgage is assigned." N.J.S.A. 2A:50-55.

6. On February 27, 2012, the New Jersey Supreme Court issued its opinion in Guillaume. It held that the requirements in the FFA in regard to a Notice of Intention to Foreclose are to be strictly complied with, and that failure to include the name and address of the lender renders the notice non-compliant. As the Guillaume Court stated: "[t]he FFA requires that a notice of intention include the name and address of the actual lender, in addition to contact information for any loan servicer who is charged by the lender with the responsibility to accept mortgage payments and/or negotiate a resolution of the dispute between the lender and the homeowner." Guillaume at 475.

7. The Court further held that the appropriate remedy for addressing a non-compliant NOI should be left to the sound discretion of the trial judge assigned to the case. Guillaume at 479.

8. On April 4, 2012, Chief Justice Stewart Rabner issued an Order in furtherance of the Court's holding in Guillaume, authorized the filing of a,

   Summary action by Order to Show Cause as to why plaintiffs in any uncontested residential mortgage foreclosure action . . in which final judgment has not yet been entered, who served Notices of Intention to Foreclose that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected Notices of Intention to Foreclose on defendant mortgagors and/or parties obligated on the debt.

9. The Order further designated the Honorable Margaret Mary McVeigh, Presiding Judge of General Equity for Passaic County and Honorable Paul Innes, Presiding Judge of General Equity for Mercer County to hear any Order to Show Cause.

10. After the Guillaume opinion and April 4, 2012 Order, Central Mortgage identified a population of loans that did not disclose the name and address of the "lender" as required by the FFA. The list of identified loans were reviewed for accuracy to verify the status of the foreclosure, the effect of loss mitigation on pending foreclosure, whether there are relevant bankruptcy proceedings and whether, since the original NOIs were sent, there were inerevening deaths of foreclosure defendants.
11. Central Mortgage's list also identifies (1) the name of the lender on each loan which is listed as the Plaintiff in the foreclosure action, (2) the name of the first named foreclosure defendant, (3) the foreclosure docket number, and (4) the vicinage.
12. Central Mortgage undertook revisions to the form NOI that it sends to borrowers in order to ensure that it strictly complies with all of the requirements of the FFA. Attached as Exhibit A is the proposed form of corrected NOI which Central Mortgage will send to each of the foreclosure defendants identified on its Corrected NOI list. Each foreclosure defendant will be served with a corrected NOI that includes, inter alia, the information specific to their mortgage loan, their default, the lender/holder's name and address and the amount to reinstate, as provided for in the Order to Show Cause. The corrected NOIs will also exclude attorneys' fees and costs incurred in the pending foreclosure cases.
13. Attached as Exhibit C is the proposed form of letter (Explanatory Letter) that Central Mortgage intends to send to each foreclosure defendant. Pursuant to the April 4, 2012 Order, the proposed form of Explanatory Letter:
    a. Explains the reason why the corrected NOI is being served;
    b. The procedure to follow in the event a foreclosure defendant wishes to object to

the NOI;

c. Identifies the individual(s) a foreclosure defendant should contact with any questions; and

d. Advises the foreclosure defendant of the right to object to the corrected NOI as well as the right to cure the default within 30 days of the date of the corrected NOI.

COUNT ONE

14. Plaintiff hereby incorporates by reference Paragraphs 1 through 13 as if set forth at length herein.

15. Attached as Exhibit B is the list of uncontested residential foreclosure actions where Central Mortgage is the plaintiff and requests relief from this Court to issue an Order to Show Cause consistent with the Supreme Court's April 4, 2012 Order.

WHEREFORE, Central Mortgage respectfully requests judgment:

a. Deeming the form Notice of Intention to Foreclose attached as Exhibit A, compliant with the requirements of the Fair Foreclosure Act;

b. Permitting Plaintiff to serve new Notices of Intention to Foreclose, in the form attached as Exhibit A, to defendant mortgagors and/or parties obligated on the underlying debt, for pre-judgment foreclosure actions listed on Exhibit B where Central Mortgage is the plaintiff; and

c. Any further relief the Court deems equitable and just.

Respectfully Submitted,

Vladimir Palma, Esq.