

PHELAN HALLINAN & DIAMOND, PC

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IN RE NOTICES OF INTENTION TO FORECLOSE SERVED BY CENTRAL MORTGAGE	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION DOCKET NO: F-028126-13 CIVIL ACTION <p style="text-align: center;">FINAL ORDER</p>
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This Matter being brought before the court by the law firm of Phelan, Hallinan & Diamond, P.C., attorneys for plaintiff, Central Mortgage, by way of summary action as set forth in Chief Justice Stuart Rabner’s April 4, 2012 Order and based upon the facts set forth in the Verified Complaint filed October 22, 2013, the arguments of counsel and all other documents submitted; and the Court having made the following findings of fact and conclusions of law;

1. This matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, as authority by Chief Justice Rabner’s April 4, 2012 Order, and the Honorable Paul Innes, P.J.Ch. entered an Order to Show Cause on December 3, 2013 setting a return date of March 6, 2014.

2. The Order to Show Cause directed all Foreclosure Defendants listed on Exhibit B to the Verified Complaint to show cause why the Court should not all Central Mortgage to send corrected Notices of Intent to Foreclose;

3. The Order to Show Cause documents were served by Central Mortgage on each foreclosure Defendant by regular and certified mail, return receipt requested, at the property address and the last known address in Central Mortgages’ records, if different;

4. One of the documents served on each foreclosure defendant was a new Notice of Intent to Foreclose that fully complies with the requirements of N.J.S.A. 2A:50-56;

5. On February 26, 2014 and February 28, 2014, notice of this Order to Show Cause was published in the Star-Ledger, The Bergen Record, The South Jersey Times and The Press of Atlantic City.

6. Foreclosure defendants who were in bankruptcy and were subject to the automatic stay were not served with a copy of the Order to Show Case and supporting documents;

7. The individuals who have submitted timely papers in response to this matter are attached hereto as Exhibit A.

8. Central Mortgage has informed the Court that Foreclosure Defendants for 7 foreclosures were sent the Order to Show Cause and supporting documents but that the underlying foreclosure is being removed from the OSC because of the status of the foreclosure. These foreclosures are listed on Final Exhibit B hereto.

9. The final hearing was held of March 6, 2014.

THEREFORE, IT IS On This _____ day of _____, 2014;

ORDERED that all objections to the Order to Show Case are hereby overruled for the reasons set forth on the record on March 6, 2014;

IT IS FURTHER ORDERED that Central Mortgage' request to send new Notices of Intent to Foreclose on pre-judgment, uncontested foreclosure matters listed on the attached Exhibits is hereby GRANTED;

IT IS FURTHER ORDERED that since more than thirty-five days have elapsed since the service of the new Notices of Intent to Foreclose, Central Mortgage may resume any foreclosure where the Foreclosure Defendant has not reinstated the loan subject to any suspension or stay as a result of a bankruptcy filing or loss mitigation activity;

IT IS FURTHER ORDERED that the Notices of Intention to Foreclose served in accordance with this Court's Order to Show Case complied with the requirements of the Fair Foreclosure Act;

IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of final judgment, upon submission of an appropriate application to enter judgment, on any foreclosure case 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 complete/updated motions for entry of Final Judgment (including CODIs) are to be filed on notice to the Foreclosure Defendants once the withdrawals are complete;

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

IT IS FURTHER ORDERED that a copy of this Final Order, without Exhibits, will be published one time, before _____, in the following four newspapers: (1) The Star Ledger, (2) the Bergen County Record, (3) Press of Atlantic City, and (4) Courier Post;

IT IS FURTHER ORDERED that within _____ days, Central Mortgage shall serve a copy of this Final Order (without Exhibits), by regular mail, upon any individual Foreclosure defendant who filed a timely, written objection in this matter or on counsel for such individuals.

Honorable Margaret M. McVeigh, P.J.Ch.