RECEIVED FRIDAY 8/23/2013 4:28:24 PM 10834984
FILED Sep 13, 2013

Kathleen N. Fennelly, Esq.
NJ Attorney Id No. 033391986
GRAHAM CURTIN
A Professional Association
4 Headquarters Plaza
P.O. Box 1991
Morristown, New Jersey 07962-1991
(973)-401-7106
Attorneys for Bank of America, N.A.

IN RE APPLICATION BY BANK OF AMERICA, N.A. TO ISSUE CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION: PASSAIC COUNTY DOCKET NO.: F-030222 -13 Civil Action **ORDER TO SHOW CAUSE**

THIS MATTER being brought before the Court by Graham Curtin, A Professional Association, attorneys for Bank of America, N.A., ("Bank of America"), authorized to act on behalf of Foreclosure Plaintiffs in pending foreclosure cases in New Jersey, seeking relief by way of summary action for entry of an Order permitting Bank of America to issue corrected Notices of Intent to Foreclose ("NOI") to the defendant mortgagor(s) and/or parties obligated on the debt ("Foreclosure Defendants") in the pending, pre-judgment uncontested foreclosure cases listed on Exhibits 1 through 6 to the Verified Complaint (the "Corrected NOI List – Group 1"), and based upon the New Jersey Supreme Court's decision in US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the implementing Order of the New Jersey Supreme Court dated April 4, 2012 (the "April 4th Order"), and for good cause shown;

It is on this 13th day of September, 2013 **ORDERED** that the Foreclosure Defendants whose names appear on the Corrected NOI List – Group 1 may appear before the Honorable Margaret Mary McVeigh, P.J.Ch., Superior Court of New Jersey, at the Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505 on January, 9, 2013, at 10 o'clock a.m., to object to this Court's Order allowing Bank of America to issue corrected NOIs pursuant to this Order to Show Cause.

AND IT IS FURTHER ORDERED THAT FOR EACH FORECLOSURE ACTION IN WHICH BANK OF AMERICA ISSUES A CORRECTED NOI TO A FORECLOSURE DEFENDANT:

1. Bank of America will issue an explanatory letter ("Explanatory Letter") to each Foreclosure Defendant in the form attached as Exhibit A to the Verified Complaint. The Explanatory Letter will explain:

- the reasons why the corrected NOI is being served;
- the procedure to follow in the event a Foreclosure Defendant wishes to object to the corrected NOI and/or to this procedure;
- the individuals to contact with any questions; and
- the Foreclosure Defendant's right to object to the corrected NOI and their right to cure the default within 40 days of the date of the corrected NOI.

2. Bank of America will issue a corrected NOI in a form substantially similar to the form of NOI attached as Exhibit B to the Verified Complaint to each Foreclosure Defendant on the Corrected NOI List – Group 1 and shall include with such NOI the Explanatory Letter referenced in Paragraph 1 above. The corrected NOI will contain specific information relating to each Foreclosure Defendant's loan, and will exclude attorneys' fees and foreclosure costs that have been incurred in the pending foreclosure cases. In accordance with applicable servicing

guidelines, and as required by N.J.S.A. 2A:50-56(e), the Explanatory Letter and corrected NOI will be sent by Bank of America, the servicing agent.

3. Bank of America will serve the corrected NOI, the Explanatory Letter, the Verified Complaint without exhibits, and a copy of this Order to Show Cause (collectively the "OSC Package") via certified mail, return receipt requested and regular mail to the last known address of each Foreclosure Defendant. The OSC Package shall be mailed within **60 days** from the date of this Order. For purposes of this Order to Show Cause, Bank of America may serve each marital couple residing at the same address with one OSC Package via certified mail and regular mail. In the event Bank of America has been provided an address for the estate of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator, if known and available.

4. A copy of Bank of America's complete application to this Court, including attachments in searchable PDF format, shall be loaded onto the New Jersey Court's website within 5 days of the date of this Order where it will be available for review by the general public at the website link – http://www.judiciary.state.nj.us/superior/documents.htm

5. In addition to providing service of the OSC Package by certified and regular mail, Bank of America will, within 2 days prior to November 13, 2013, provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices: the Star Ledger, the Bergen Record, the Press of Atlantic City, and the Courier Post. Attached as Exhibit 1 is a sample legal notice.

6. Bank of America shall file its proof of service of the OSC Package on the Foreclosure Defendants on the Corrected NOI List – Group 1 with the Court in the manner consistent with this Order no later than nine (9) days before the return date.

7. You [Foreclosure Defendants] have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave Bank of America permission to serve the corrected NOI).

8. To do so, you must file a written objection under the docket number for this case, which is listed on the first page of this Order. You must state with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address on or before December 20, 2013:

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

You must also serve a copy of the objection on Bank of America's attorney, Kathleen N. Fennelly, Esq., Graham Curtin, A Professional Association, 4 Headquarters Plaza, P.O. Box 1991, Morristown, New Jersey 07962-1991, and mail a copy of your objection to the Honorable Margaret Mary McVeigh, P.J.Ch., whose address is Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505.

8. You [Foreclosure Defendants] also have the right to object to the corrected NOI that you will receive. You will also have forty (40) days from the date of the corrected NOI to cure your default. If you object to any of the contents of your corrected NOI, you must file a written objection under the docket number for your foreclosure action. If you are unsure of the docket number for your foreclosure action, you can access that information on the Court's website, on the attached exhibits to the verified complaint, or by calling the Bank of America representative listed on the Explanatory Letter that will be sent with the corrected NOI. You must set forth with specificity the basis for your objection and file your objection with the

Superior Court Clerk's Office at the following address on or before December 20, 2013:

Superior Court Clerk's Office, Foreclosure Processing Services
P.O. Box 971
Trenton, New Jersey 08625

You must also serve a copy of the objection on Bank of America's attorney, Kathleen N. Fennelly, Esq., Graham Curtin, A Professional Association, 4 Headquarters Plaza, P.O. Box 1991, Morristown, New Jersey 07962-1991, and mail a copy of your objection to the Honorable Margaret Mary McVeigh, P.J.Ch., whose address is Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505.

9. Bank of America may file and serve any written reply to any opposition papers received by December 30, 2013. The reply papers must be filed with the Clerk of the Superior Court in Mercer County, with a copy to Judge McVeigh and to each Foreclosure Defendant who filed an opposition.

10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided with the corrected NOI.

11. A proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court by Bank of America no later than nine (9) days before the return date.

12. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause.

13. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, your rights are fully preserved. The OSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the

following procedure shall be used. Bank of America shall mail the OSC Package and serve the corrected NOI within 45 days of the lifting of the stay or suspension of the foreclosure action. You [Foreclosure Defendants] will have 40 days from the date of the corrected NOI in which to object to the corrected NOI or to cure your default. Any objections to the relief set forth in this Order to Show Cause shall be made in writing to the Court in the county in which your foreclosure action is pending. You must also send a copy of your written objection to the Bank of America's attorney, Kathleen N. Fennelly, Esq., Graham Curtin, A Professional Association, 4 Headquarters Plaza, P.O. Box 1991, Morristown, New Jersey 07962-1991,or the Court handling your foreclosure action will not be able to consider your objection.

Margaret Mary McVeigh

Honorable Margaret Mary McVeigh, P.J.Ch.

EXHIBIT 1
LEGAL NOTICE FOR PUBLICATION

LEGAL NOTICE

IF YOU ARE A DEFENDANT IN A PENDING FORECLOSURE ACTION IN NEW JERSEY, THIS NOTICE MAY CONCERN YOUR CASE.

Why Bank of America, N.A. Is Publishing This Notice: The New Jersey Supreme Court recently held under the Fair Foreclosure Act that Notices of Intent to Foreclose must include the name and address of the lender. Many Notices of Intent issued in the past have only included information for the servicer of the loan, and may have failed to comply in other ways as well. Those Notices of Intent did not comply with New Jersey's Fair Foreclosure Act.

What This Means To You: Bank of America, N.A. has filed a lawsuit in the Superior Court of New Jersey and has requested permission to issue corrected Notices of Intent in certain foreclosure actions. The Superior Court has given Bank of America, N.A., permission to serve corrected Notices of Intent. These corrected Notices of Intent are being sent to certain defendant mortgagors/parties obligated on the debt in pending foreclosure actions being serviced by Bank of America, N.A. that were filed before February 28, 2012. You may receive a corrected Notice of Intent, with a copy of the verified complaint and the order of the Court permitting Bank of America, N.A. to issue and serve the corrected Notices of Intent. All of the documents relating to this Bank of America, N.A. lawsuit will be made available on the New Jersey Superior Court's web site at www.judiciary.state.nj.us/superior/documents.htm.

Your Right To Cure: If you receive a corrected Notice of Intent, you will have an additional 40 days to cure the default on your mortgage that is in foreclosure in New Jersey without being required to pay the plaintiff's court costs and attorneys' fees in your foreclosure case. If you fail to cure the default by the date set forth in the corrected Notice of Intent, the pending foreclosure case against you may proceed.

Your Right To Object To This Process: You also have the right to file an objection to this process of sending corrected Notices of Intent. Your objection must be in writing, and must say specifically what you object to. You must file any such objection on or before **[date]**. You must file and send any objection to:

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

You must also send copies to Judge Margaret Mary McVeigh, J.S.C., at the Superior Court of New Jersey, Passaic County Court House, 71 Hamilton Street, Chambers 100, Paterson, NJ 07505 and to the attorney for Bank of America, N.A., Kathleen N. Fennelly, Esquire, Graham Curtin P.A., 4 Headquarters Plaza, P.O. Box 1991, Morristown, New Jersey 07962-1991.

Your Right To Object To The Corrected Notice of Intent: You also have the right to object to the corrected Notice of Intent that is sent to you. To do so, you must file a written objection on the docket in your foreclosure case on or before **[date]**. You must also serve a copy of that objection on the attorney for the plaintiff in your foreclosure case. If you are unsure of the docket number of your foreclosure case, that information is available by reviewing the Verified Complaint and exhibits filed by the Bank of America under Docket No. F- **[docket number]**-13 on the Superior Court's website. You may also contact the Bank of America representative identified in the documents served with the corrected Notice of Intent.

If You Have Any Questions: Please visit the New Jersey Courts On-Line Self-Help Center at http://www.judiciary.state.nj.us/prose/index.htm. You may also contact the Superior Court Clerk's Office at (609) 421-6100, or at SCCOForeclosure.Mailbox.judiciary.state.nj.us.

Note: This notice does not apply to you if you are in bankruptcy and your foreclosure case is therefore subject to the automatic stay of proceedings.