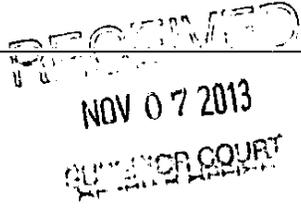


Appendix XII-B2

FORECLOSURE CASE INFORMATION STATEMENT (FCIS)		FOR USE BY CLERK'S OFFICE ONLY
 <p>Use for initial Chancery Division — General Equity foreclosure pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information is not furnished or if attorney's signature is not affixed.</p>		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA <input type="checkbox"/> MO
		RECEIPT NO. _____
		AMOUNT: _____
		OVERPAYMENT: _____
		BATCH NUMBER: _____
		BATCH DATE: _____
SECTION A: TO BE COMPLETED BY ALL PARTIES		
CAPTION In Re Notices of Intention to Foreclose Served by PNC Mortgage, A Division of PNC Bank, N.A.		COUNTY OF VENUE Mercer
		DOCKET NUMBER (when available) F-030900-13
NAME(S) OF FILING PARTY(IES) (e.g. John Doe, Plaintiff) Louis and Lisa Baron, Defendants		DOCUMENT TYPE <input type="checkbox"/> COMPLAINT <input checked="" type="checkbox"/> ANSWER <input type="checkbox"/> OTHER
ATTORNEY NAME (IF APPLICABLE) Michael V. Gilberti, Esq.	FIRM NAME (IF APPLICABLE) Epstein, Cohen & Gilberti, L.L.C.	
MAILING ADDRESS 25 Sycamore Avenue, Ste 101, Little Silver, New Jersey 07739		DAYTIME TELEPHONE NUMBER (732) 212-0400
SECTION B: TO BE COMPLETED BY PLAINTIFF TO INITIAL COMPLAINT		
FORECLOSURE CASE TYPE NUMBER <input type="checkbox"/> 088 IN PERSONAM TAX FORECLOSURE <input type="checkbox"/> 089 IN REM TAX FORECLOSURE <input checked="" type="checkbox"/> 0RF RESIDENTIAL MORTGAGE FORECLOSURE <input type="checkbox"/> 0CF COMMERCIAL MORTGAGE FORECLOSURE <input type="checkbox"/> 0CD CONDOMINIUM OR HOMEOWNER'S ASSOCIATION LIEN FORECLOSURE <input type="checkbox"/> 091 STRICT FORECLOSURE <input type="checkbox"/> 0FP OPTIONAL FORECLOSURE PROCEDURE (NO SALE) <input type="checkbox"/> 0TS TIME SHARE FORECLOSURE		IS THIS A HIGH RISK MORTGAGE PURSUANT TO P.L.2009,C.84 AND P.L.2008,C.127 <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No PURCHASE MONEY MORTGAGE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No RELATED PENDING CASE <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, LIST DOCKET NUMBERS: F-046400-10
FULL PHYSICAL STREET ADDRESS OF PROPERTY: 114 Pension Road, Manalapan, New Jersey		
ZIP CODE 07726 COUNTY: Monmouth	MUNICIPALITY CODE (*) 1326 MUNICIPAL BLOCK: 1314 (LOTS) 30.02	
ALL FILING PARTIES MUST SIGN AND PRINT NAMES(S) AND DATE THE FORM BELOW		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
ATTORNEY / SELF REPRESENTED SIGNATURE 	PRINT ATTORNEY / SELF REPRESENTED NAME Michael V. Gilberti	DATE 11/6/13

*The Municipality Codes can be found at http://www.judiciary.state.nj.us/forms/11343_municodes.pdf

EPSTEIN, COHEN & GILBERTI, LLC
230-1981
25 Sycamore Avenue, Suite 101
Little Silver, New Jersey 07739
(732) 212-0400
Attorneys for Defendants, Louis and Lisa Baron

RECEIVED
NOV 07 2013
SUPERIOR COURT

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY PNC
MORTGAGE, A DIVISION OF PNC BANK
N.A.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

DOCKET NO: F-030900-13

Civil Action

**DEFENDANTS, LOUIS AND LISA
BARON'S ANSWER AND AFFIRMATIVE
DEFENSES TO VERIFIED COMPLAINT**

Defendants, Louis Baron and Lisa Baron by their attorneys, Epstein Cohen & Gilberti, LLC, answer the Verified Complaint as follows:

ANSWER

FACTS:

1. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.
2. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.
3. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.
4. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.

5. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.

6. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.

7. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.

8. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs.

COUNT I: PNC Mortgage

9. The Barons incorporate by reference their responses to all previous allegations.

10. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT II: PNC BANK

11. The Barons incorporate by reference their responses to all previous allegations.

12. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT III: Federal Home Loan Mortgage Corporation

13. The Barons incorporate by reference their responses to all previous allegations.

14. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT IV: Columbia Bank

15. The Barons incorporate by reference their responses to all previous allegations.

16. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT V: Commonwealth United Mortgage

17. The Barons incorporate by reference their responses to all previous allegations.

18. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT VI: Deutsche Bank Trust Company as Trustee

19. The Barons incorporate by reference their responses to all previous allegations.

20. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT X¹: First Hallmark Mortgage Corporation

21. The Barons incorporate by reference their responses to all previous allegations.

22. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT VIII: GMAC BANK

23. The Barons incorporate by reference their responses to all previous allegations.

24. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

¹ This numbering follows that in the Verified Complaint

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT IX: HSBC Bank as Trustee

25. The Barons incorporate by reference their responses to all previous allegations.

26. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT X: Mortgage Electronic Registration Systems Inc.

27. The Barons incorporate by reference their responses to all previous allegations.

28. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XI: National City Bank

29. The Barons incorporate by reference their responses to all previous allegations.

30. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XII: National City Mortgage

31. The Barons incorporate by reference their responses to all previous allegations.

32. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XIII: National City Real Estate Services Inc.

33. The Barons incorporate by reference their responses to all previous allegations.

34. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XIV: PNC Mortgage as Trustee

35. The Barons incorporate by reference their responses to all previous allegations.

36. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XV: The Bank of New York as Trustee

37. The Barons incorporate by reference their responses to all previous allegations.

38. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XVI: U.S. BANK as Trustee

39. The Barons incorporate by reference their responses to all previous allegations.

40. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XVI: Wachovia Bank, N.A. PNC BANK

41. The Barons incorporate by reference their responses to all previous allegations.

42. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

COUNT XVII: Washington Mutual Bank

43. The Barons incorporate by reference their responses to all previous allegations.

44. The Barons are without sufficient information to form a belief as to the truth of these allegations and leave petitioner to its proofs. Further, the documents speak for themselves. To

the extent that they state, suggest or imply any liability on the part of the Barons. They are denied.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

AFFIRMATIVE DEFENSES

The Barons make the following affirmative defenses to petitioner's claims:

FIRST AFFIRMATIVE DEFENSE

Petitioner did not comply with the service requirements of R. 4:67-2 *et seq.* and as set forth in the Order to Show Cause and so the Order to Show Cause and verified complaint should be dismissed and the foreclosure complaint against the defendants should be dismissed for lack of prosecution.

SECOND AFFIRMATIVE DEFENSE

The foreclosure complaint is not listed in the exhibits attached to the Verified Complaint as one of the uncontested foreclosure actions and so should not be part of this Order to Show Cause and as a result, the Order to Show Cause and verified complaint should be dismissed and the foreclosure complaint should be dismissed for lack of prosecution.

THIRD AFFIRMATIVE DEFENSE

The foreclosure complaint is improperly included in this Order to Show Cause because there was no issue in the pleadings as to the notice of intent to foreclosure, and as a result, the Order to Show Cause and verified complaint should be dismissed and the foreclosure complaint should be dismissed for lack of prosecution.

FOURTH AFFIRMATIVE DEFENSE

The complaint fails to state a cause of action upon which relief may be granted.

FIFTH AFFIRMATIVE DEFENSE

Any damages that the plaintiff allegedly sustained resulted solely from its own conduct or that of third parties over whom the defendants had no control.

SIXTH AFFIRMATIVE DEFENSE

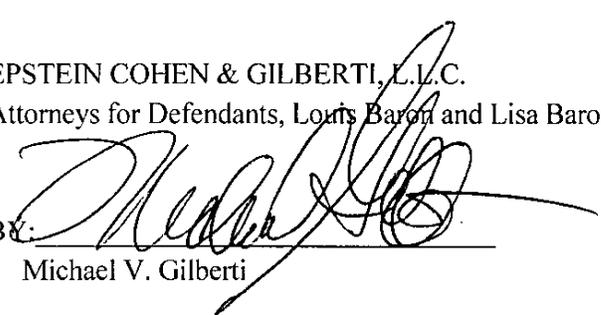
The doctrines of estoppel, laches and/or waiver bar the plaintiff's claims.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its damages.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

EPSTEIN COHEN & GILBERTI, L.L.C.
Attorneys for Defendants, Louis Baron and Lisa Baron

BY: 

Michael V. Gilberti

DATED: November 6, 2013

DESIGNATION OF TRIAL COUNSEL

Michael V. Gilberti, Esq. of the law firm of Epstein Cohen & Gilberti, LLC, attorneys for defendants Louis Baron and Lisa Baron, is hereby designated as trial counsel under Rule 4:25-4.

EPSTEIN COHEN & GILBERTI, L.L.C.
Attorneys for Defendants, Louis Baron and Lisa Baron

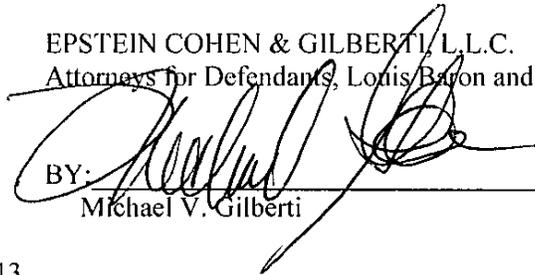
BY: 
Michael V. Gilberti

DATED: November 6, 2013

CERTIFICATION UNDER N.J. RULE 4:5-1

I HEREBY CERTIFY that this case is not presently, and has not been, the subject of any other pending action in any court or pending arbitration proceeding, nor is any other action or arbitration presently contemplated other than the foreclosure complaint, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10.

EPSTEIN COHEN & GILBERTI, L.L.C.
Attorneys for Defendants, Louis Baron and Lisa Baron

BY: 
Michael V. Gilberti

DATED: November 6 2013

EPSTEIN, COHEN & GILBERTI, L.L.C.
230-1981
25 Sycamore Avenue, Suite 101
Little Silver, New Jersey 07739
(732) 212-0400
Attorneys for Defendants, Louis and Lisa Baron

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY PNC
MORTGAGE, A DIVISION OF PNC
BANK N.A.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

DOCKET NO: F-030900-13

Civil Action

CERTIFICATION OF SERVICE

I, Mary Lynn Wentway, a paralegal with the law firm of Epstein, Cohen & Gilberti, L.L.C., counsel for defendants, Louis and Lisa Baron, hereby certify that defendants' Response to Petitioners' Order to Show Cause, Certification of Sandra L. Cohen, Answer & Affirmative Defenses to Verified Complaint, Case Information Statement and Certification of Service were mailed for filing on November 6, 2013 via Federal Express to the Clerk of the Superior Court, Foreclosure Processing Services, Attn: Objection to Notice of Intention to Foreclosure, 25 Market Street, Trenton, New Jersey 08625.

A copy was also sent via Federal Express to:

Hon. Paul Innes, P.J. Ch.
Mercer County Civil Courts Building
175 South Broad Street
Trenton, New Jersey 08650-0068

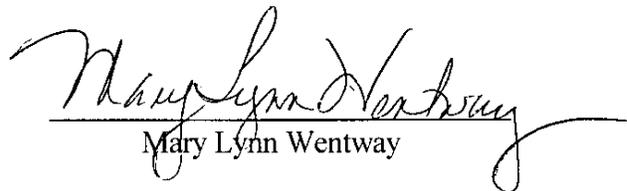
Hon. Patricia Del Bueno Cleary, P.J. Ch.
Hall of Records
1 East Main Street
Freehold, New Jersey 07728

Brian C. Nicholas, Esq.
Zucker, Goldberg & Ackerman, L.L.C.
200 Sheffield Ave., Suite 101
Mountainside, New Jersey 07092

Sheera Engrissei, Esq.
McCabe, Weisberg & Conway, P.C.
216 Haddon Avenue
Suite 303
Westmont, New Jersey 08103

I hereby further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I made be subject to punishment.

Dated: November 6, 2013


Mary Lynn Wentway

EPSTEIN, COHEN & GILBERTI, L.L.C.
230-1981
25 Sycamore Avenue, Suite 101
Little Silver, New Jersey 07739
(732) 212-0400
Attorneys for Defendants, Louis and Lisa Baron

RECEIVED

NOV 07 2013

SUPERIOR COURT
MERCER COUNTY

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY PNC
MORTGAGE, A DIVISION OF PNC BANK
N.A.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

DOCKET NO: F-030900-13

Civil Action

**RESPONSE OF RESPONDENTS' LOUIS
BARON AND LISA BARON TO
PETITIONER'S ORDER TO SHOW
CAUSE**

Respondents, Louis Baron and Lisa Baron by their attorneys, Epstein Cohen & Gilberti, LLC, respond to plaintiff PNC's "Order to Show Cause to Proceed Summarily Pursuant to R. 4:67-2," filed on September 5, 2013 (the "OTSC"), as follows:

REPLY

1. Plaintiff's Order to Show Cause, filed on September 5, 2013, in connection with its Verified Complaint (¶ 1, page 2), required petitioner to serve a copy of the OTSC and Verified Complaint upon "all individuals obligated on the Note secured by a Mortgage on residential property that is the borrower's . . . principle residence. Service shall be effectuated by certified mail return receipt requested and regular mail to the property address and the last known address (if different) in Petitioner's records."

2. Neither respondent nor their counsel of record received the OTSC or the verified complaint (or a corrective Notice of Intent to Foreclose) by any means. It was only due to

respondents' counsel checking the court docket that respondents and counsel became aware that petitioner had filed the OTSC. [See Certification of Sandra L. Cohen ¶¶4, 7, 9]

3. Respondents' counsel checked the court docket on October 23, 2013, in light of a notice received from the court, dated September 6, 2013, that if nothing was filed in the matter captioned, "*PNC Mortgage v. Louis Baron et al.*," Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, on or before October 6, 2013, the case would be dismissed for lack of prosecution. [Cohen Cert. ¶3, Ex. A]

4. Because petitioner failed to provide service on the Barons in the manner required by the OTSC, the Court should dismiss both the OTSC and petitioner's Verified Complaint. [Cohen Cert. ¶3, Ex. A]

5. The Order to Show Cause contains exhibits on which petitioner lists the foreclosure complaints to which the Order to Show Cause applies.

6. The case of "*PNC Mortgage v. Louis Baron et al.*," Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, is not on the exhibit list and so should not be part of this Order to Show Cause. The Order to Show Cause and verified complaint should be dismissed and the foreclosure complaint should be dismissed for lack of prosecution. Therefore, the Affidavit of Extenuating Circumstances filed in Monmouth County in connection with this Order to Show Cause is inapplicable to the foreclosure complaint which should be dismissed for lack of prosecution.

7. The certification of Sheera Engrissei, Esq. that is attached to the Order to Show Cause references in paragraph 2 a different Order to Show Cause, Docket No. MER-F-035457-13 and has annotation that it was filed on October 7, 2013. [Cohen Cert ¶10 Ex. C]

8. As with the current Order to Show Cause, neither respondent nor their counsel of record received the OTSC or the verified complaint referenced in Ms. Engrissei certification and we have no knowledge of this OTSC.

9. Consistent with the Court's notice, dated September 6, 2013, if no filing is made by October 6, 2013 the matter of *PNC Mortgage v. Louis Baron et al.*," Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10 would be dismissed for lack of prosecution. [Cohen Cert. ¶3, Ex. A]

10. As Ms. Engrissei certification was filed after October 6, 2013 the Court should also dismiss the foreclosure complaint against the Barons for lack of prosecution.

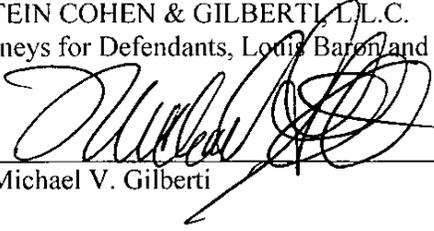
11. In addition, the OTSC is meant to address those cases where in an uncontested matter Notices of Intent to Foreclose were found to be deficient, as permitted by Judge Rabner's April 4, 2012 Order. In the underlying case, the Barons filed an answer. The Notice of Intent to Foreclose was not raised as an issue in this case. As a result, the OTSC does not apply.

12. Further, petitioner is using the OTSC to excuse its own failure and to avoid dismissal of the foreclosure against the Barons for its failure to prosecute.

WHEREFORE, defendants Louis Baron and Lisa Baron demand judgment in their favor an order dismissing this Order to Show Cause and Verified Complaint against them, an order dismissing the foreclosure action, *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10, together with costs, interest, reasonable attorney's fees and such other relief as the Court deems appropriate.

EPSTEIN COHEN & GILBERTI, L.L.C.
Attorneys for Defendants, Louis Baron and Lisa Baron

BY:


Michael V. Gilberti

DATED: November 6, 2013

EPSTEIN, COHEN & GILBERTI, L.L.C.
230-1981
25 Sycamore Avenue, Suite 101
Little Silver, New Jersey 07739
(732) 212-0400
Attorneys for Defendants, Louis and Lisa Baron

RECEIVED
NOV 07 2013
SUPERIOR COURT
CLERK'S OFFICE

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY PNC
MORTGAGE, A DIVISION OF PNC
BANK N.A.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY**

DOCKET NO: F-030900-13

Civil Action

**CERTIFICATION OF
SANDRA L. COHEN IN SUPPORT OF
RESPONSE OF RESPONDENTS'
LOUIS BARON AND LISA BARON TO
PETITIONER'S ORDER TO SHOW
CAUSE**

Sandra L. Cohen, hereby certifies as follows:

1. I am a partner in the law firm of Epstein, Cohen & Gilberti, L.L.C. and am one of the attorneys responsible for handling this case. As a result, I have knowledge of the events contained in this Certification.

2. I submit this Certification in support of the respondent's opposition to petitioner's Order to Show Cause.

3. On or about September 13, 2013, I received a foreclosure dismissal notice from the Superior Court of New Jersey with regard to *PNC Mortgage v. Louis Baron et al.*, Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10. A copy of the notice is attached to and made part of this certification as Exhibit A.

4. On or about October 23, 2013 I checked the Court docket to determine if anything had been filed in the foreclosure complaint captioned *PNC Mortgage v. Louis Baron et al.*,” Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10.

5. The Court docket reflected that an Affidavit of Exceptional Circumstances had been filed but such Affidavit was not received by this office or our client.

6. The clerk at the Court informed us that this case (*PNC Mortgage v. Louis Baron et al.*,” Superior Court of New Jersey, Chancery Division, Monmouth County, Docket No. F-046400-10) is part of an Order to Show Cause, Docket # 30900-13 and therefore the case would stay open.

7. On October 23, 2013 we located an online version of the Order to Show Cause currently before the Court.

8. I spoke with Mr. Baron who confirmed that he had not received the Order to Show Cause or the Verified Complaint.

9. On November 1, 2013 I spoke with the Office of Foreclosure who also advised that the foreclosure complaint was part of this Order to Show Cause. The Office of Foreclosure forwarded a copy of the Order to Show Cause to me by email. A copy of the Order to Show Cause sent to me by the Office of Foreclosure is attached to and made part of this Certification as Exhibit B.

10. The order to Show Cause forwarded to me by the Office of Foreclosure had attached to it the Certification of Sheera Engrissei, Esq.. A copy of the certification, which was attached to the Order to Show Cause received from the Office of Foreclosure is attached to and made part of this certification as Exhibit C.

11. On November 4, 2013 we located the Verified Complaint online.

12. At no time were we or our clients served with the Order to Show Cause or the Verified Complaint or a corrective Notice of Intent to Foreclose.

I hereby certify that the foregoing statements are true and accurate to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false I am subject to punishment.

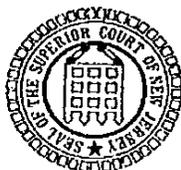


SANDRA L. COHEN

Dated: November 6, 2013

A

SUPERIOR COURT OF NEW JERSEY



Office of the Clerk
 Richard J. Hughes Justice Complex
 P.O. Box 971
 Trenton, New Jersey 08625-0971
 (609) 421-6100

BY: _____
 SEP 13 2013
 DEPT. CLERK

FORECLOSURE DISMISSAL NOTICE

DATE: September 06, 2013
 PARTY: LOUIS BARON
 RE: PNC BNK NA VS BARON LOUIS
 DOCKET: SWC F-046400-10

Please take notice that on October 06, 2013 (30 days from the date of this notice), the Clerk will dismiss the above case for lack of prosecution without prejudice pursuant to Rule 4:64-8, unless one of the following papers is filed:

- AMENDED COMPLAINT
- REQUEST FOR DEFAULT OR MOTION TO ENTER DEFAULT OUT OF TIME
- MOTION TO STRIKE ANSWER
- MOTION FOR SUMMARY JUDGMENT
- MOTION TO ENTER JUDGMENT
- PROOF OF BANKRUPTCY FILING OR OTHER CONDITION THAT STAYS THE CASE
- AFFIDAVIT or CERTIFICATION OF EXCEPTIONAL CIRCUMSTANCES (asserting that failure to file or take the next required action is due to exceptional circumstances, and laying out the nature of those circumstances)

For further information, please contact the Superior Court Clerk's Office by calling (609) 421-6100 between the hours of 8:30 am - 4:30 pm or sending an email to SCCO.Mailbox@judiciary.state.nj.us.

ELISABETH ANN STROM, ESQ.

 ACTING CLERK OF THE SUPERIOR COURT OF NEW JERSEY

B

Filed Sep 05, 2013
Paul Innes, P.J.Ch

ZUCKER, GOLDBERG & ACKERMAN, LLC
200 Sheffield Street, Suite 101
P.O. Box 1024
Mountainside, New Jersey 07092-0024
(908) 233-8500
Attorneys for PNC Mortgage, a division of PNC Bank, N.A.

IN RE NOTICES OF INTENTION TO
FORECLOSE SERVED BY PNC
MORTGAGE, A DIVISION OF PNC
BANK, N.A.

F-030900-13
SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY
CHANCERY DIVISION

Civil Action

Docket No: F-

ORDER TO SHOW CAUSE TO PROCEED
SUMMARILY PURSUANT TO R. 4:67-2

THIS MATTER being brought before the court by the law firm of Zucker, Goldberg & Ackerman, L.L.C., attorneys for Petitioner, PNC Mortgage, a Division of PNC Bank, N.A., seeking relief 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 herewith; and the Court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2 and for good cause shown;

IT IS on this 5th day of September, 2013,

ORDERED that the parties in interest listed in Exhibits A through U of the Verified Complaint appear and show cause on the 12th day of December, 2013 before the Hon. Paul Innes, P.J.Ch., Mercer County Civil Courts Building, 175 South Broad Street, Trenton, NJ 08650-0068 at 10:00 o'clock, why judgment should not be entered as follows:

- A. Allowing PNC Mortgage, a Division of PNC Bank, N.A. to send new Notices of Intention to Foreclose, giving the borrower(s) at least thirty days from the date the letter is mailed to cure the default on the mortgage without having to pay legal fees or costs; and
- B. Granting such other relief as the court deems equitable and just.

IT IS FURTHER ORDERED that:

1. Petitioner shall serve a copy of this Order to Show Cause and Verified Complaint (without exhibits) upon all individuals obligated on the Note secured by a Mortgage on residential property that is the borrower's, or their immediate family's, principle residence. Service shall be effectuated by certified mail return receipt requested and regular mail to the property address and the last known address (if different) in Petitioner's records.

2. A copy of this Order to Show Cause and Verified Complaint shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>.
3. A true copy of this Order to Show Cause, Verified Complaint, and Certification of Anita Holbrook, shall be served upon the parties in interest listed in Exhibits A through U to the Verified Complaint, by certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any party in interest who resides outside the United States) and regular mail.
4. Along with this Order to Show Cause, Petitioner may serve the corrective Notice of Intention to Foreclose allowing the borrower at least thirty days to cure the default on the subject mortgage without having to pay attorneys fees or costs, in a form as set forth in Exhibit "1" of the Certification of Anita Holbrook. Petitioner shall also serve a Cover Letter in the form set forth in Exhibit "T" of the Certification of Brian C. Nicholas, Esq.

- a. For any borrower in an active Bankruptcy case where the provisions of the automatic stay are still in place, Petitioner may serve a copy of this Order to Show Cause and Verified Complaint but may choose to delay serving a corrective Notice of Intention to Foreclose until such time that the stay is vacated,

if it believes that doing so will violate the automatic stay.

b. If the Court grants final relief on the return date of this Order to Show Cause and Petitioner has not already sent a corrective Notice of Intention to Foreclose, Petitioner shall serve the corrective Notice of Intention to Foreclose once the provisions of the automatic stay in the bankruptcy case are no longer in place. In the alternative, Petitioner may apply to the United States Bankruptcy Court for relief from the provisions of the automatic stay to effectuate service of the corrective Notice of Intention to Foreclosure pursuant to this Order.

c. In the event that Petitioner does not serve a corrective Notice of Intention to Foreclose with this Order to Show Cause, Petitioner may not proceed with a foreclosure action until such Notice of Intention is served as authorized by this Court's Order.

d. If Petitioner believes that service of this application will be a violation of the provisions of the automatic stay, once the stay is vacated, Petitioner may file a motion with the Chancery Judge in the vicinage where there property lies requesting permission to send a new NOI. Petitioner shall not

be required to file a new Order to Show Cause for cases currently in bankruptcy.

5. Petitioner shall publish the legal notice of this action as set forth in Exhibit "S" to the Certification of Brian C. Nicholas, Esq. on at least two days prior to October 10, 2013 in the following newspapers:

- a. Star Ledger
- b. Bergen Record
- c. The Press of Atlantic City
- d. The Gloucester County Time

6. The Court will only entertain objections to the process outlined in the Supreme Court's April 4, 2012 Order. Any party in interest who wishes to object to the process shall file the objection under the docket number for this Order to Show Cause, in writing, with the:

Clerk of the Superior Court, Foreclosure
Processing Services
Attn: Objection to Notice of Intention to
Foreclose
25 Market Street
P.O. Box 971
Trenton, New Jersey 08625-0971

A copy of the objection to the Order to Show Cause must also be sent to:

Hon. Paul Innes, P.J.Ch
Mercer County Civil Courts Building
175 South Broad Street
Trenton, NJ 08650-0068

A copy of the objection to the Order to Show cause must also be served upon the attorney for the Petitioner at:

Brian C. Nicholas, Esq.
Zucker, Goldberg & Ackerman, L.L.C.
200 Sheffield Ave, Suite 101

Mountainside, N.J. 07092

Objections to this Order to Show Cause must state with specificity the basis for the objection and must be filed no later than November 7, 2013.

7. If a timely objection is not filed, the matter may proceed to judgment in accordance with the Rules of Court.
8. Any objection in regard to a specific corrected NOI in a specific foreclosure case must be filed in writing **under the docket number of the individual foreclosure action, NOT this Order to Show Cause.** Any objection must state the basis for the objection with specificity and be filed and served as set forth in Paragraph 6 above. Objections to a specific NOI will be referred to the Chancery Judge in the vicinage in which the property lies for resolution.
9. Parties in interest are hereby advised that a telephone call to the Petitioner, to the Petitioner's attorney, to the Superior Court Clerk's Office, or to the Court, will not protect your rights; you must file and serve your written objection as outlined in this Order
10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. If you do not have an attorney or are not eligible for free legal assistance through the Legal Services office (or such office does not provide services for this particular type

of proceeding), you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.

11. If no party in interest timely files and serves an objection to this Order to Show Cause as provided for above, the application may be decided by the Court on the date this matter is scheduled to be heard, provided that the Petitioner has filed a proof of service and a proposed form of judgment as required by this Order to Show Cause.
12. If written objection to this Order to Show Cause is filed, the Petitioner's written reply shall be filed and served by November 21, 2013. A copy of the reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy directly to the Hon. Paul Innes, P.J.Ch. Petitioner is only required to serve its response upon any party or parties who have filed written objections to this Order to Show Cause.
13. Petitioner shall submit to the Court an original and two copies of a proposed form of judgment addressing the relief sought on the date this matter is scheduled to be heard no later than 10 days before the date this matter is scheduled to be heard.
14. The Petitioner shall file proof of service of the Verified Complaint, this Order to Show Cause and all supporting documents with the Clerk of Superior Court no later than nine (9) days before the return date of this matter.

15. If not already done, Petitioner shall provide the Clerk of Superior Court with a spreadsheet of the individual foreclosure cases included in this Order to Show Cause. The Clerk of the Court shall notate the Courts records to ensure that none of the cases listed on the spreadsheet are sent a notice of dismissal for lack of prosecution.
16. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court advised to the contrary no later than 10 days before the return date.



Hon. Paul Innes, P.J.Ch.

C

McCABE, WEISBERG & CONWAY, P.C.
 216 HADDON AVENUE, SUITE 303
 WESTMONT, NEW JERSEY 08108
 (856) 858-7080
 ATTORNEYS FOR PLAINTIFF
 Matter No. 145-0229 - 6951

<p>PNC Bank, National Association</p> <p>Plaintiff</p> <p>vs.</p> <p>Louis M. Baron, et al.</p> <p>Defendants</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MONMOUTH COUNTY</p> <p>Docket No. F-046400-10 Civil Action</p> <p>ATTORNEY CERTIFICATION IN OPPOSITION TO NOTICE OF DISMISSAL</p>
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Sheera Engrissei, Esq., of full age, does hereby certify:

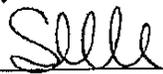
1. I am an attorney at law of the State of New Jersey and an associate with the law firm McCabe, Weisberg & Conway, P.C., attorneys for the plaintiff in the above captioned foreclosure matter. As such, I am fully familiar with the facts of this case. I make this certification in response to a notice dated September 6, 2013, from the Clerk's Office scheduling this matter for dismissal for lack of prosecution on October 6, 2013.
2. The foreclosure remains active; however it is currently on hold due to its inclusion in the Order to Show Cause, Docket No. MER-F-035457-13. Once the Order to Show Cause is granted the file will resume immediately where it left off.
3. Therefore we respectfully request the within matter not be dismissed.

I hereby certify pursuant to R.1:4-4 that all the foregoing statements made by me are true.

I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 4, 2013

McCabe, Weisberg & Conway, P.C.
Attorneys for Plaintiff



Sheera Engrissei, Esq.

EPSTEIN, COHEN & GILBERTI
A LIMITED LIABILITY COMPANY

COUNSELORS AT LAW

SUITE 101
25 SYCAMORE AVENUE
LITTLE SILVER, NEW JERSEY 07739

MICHAEL V. GILBERTI*
DAVID M. EPSTEIN
SANDRA L. COHEN

T: (732) 212-0400
F: (732) 212-8408
E: ATTORNEY@ECG-LAW.COM

RECEIVED

NOV 07 2013

SUPERIOR COURT
CLERK'S OFFICE

* CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A CRIMINAL TRIAL ATTORNEY

FILE NO.:

November 6, 2013

Via Federal Express

Clerk of the Superior
Foreclosure Processing Services
Attn: Objection to Notice of Intention to Foreclose
P.O. Box 971
25 Market Street
Trenton, New Jersey 08625-0971

RE: In Re Notices of Intention to Foreclose Served by PNC Bank, N.A.
Docket No.: F-030900-13
PNC Mortgage v. Baron
Docket No.: F-046400-10

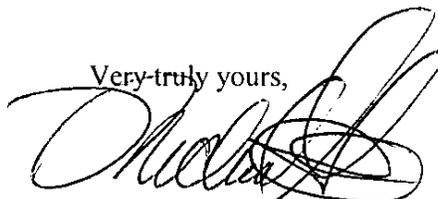
Dear Sir or Madam:

This office represents defendants, Louis and Lisa Baron in the above-captioned matters. Enclosed you will find an original and two copies of defendants' Response to Petitioner's Order to Show Cause, supporting Certification of Sandra L. Cohen, Answer and Affirmative Defenses to Verified Complaint, Case Information Statement and Certification of Service.

Defendants are not requesting oral argument at this time.

Kindly file the enclosed documents and return a filed copy to me in the enclosed self addressed stamped envelope. Please charge this firm's depository account #141453 the fee for this filing. Thank you for your courtesy and cooperation in this matter.

Very truly yours,



Michael V. Gilberti

EPSTEIN, COHEN & GILBERTI
A LIMITED LIABILITY COMPANY

COUNSELORS AT LAW

November 6, 2013

Page 2

cc: Hon. Paul Innes, P.J. Ch. (via Federal Express)
Hon. Patricia Del Bueno Cleary, P.J. Ch. (via Federal Express)
Brian C. Nicholas, Esq. (via Federal Express)
Sheera Engrissei, Esq. (via Federal Express)