

December 5, 2013

RECEIVED

Honorable Paul Innes, P.J.Ch

DEC 10 2013

Mercer County Civil Courts building

SUPERIOR COURT
CLERK'S OFFICE

175 South Broad Street

Trenton, NJ 08650-0068

Attn: Objection to Notice of Intent to Foreclose Docket # F -030900-13
and Foreclosure Docket # F -32001-10

I respectfully oppose the intent to foreclose due to the following:

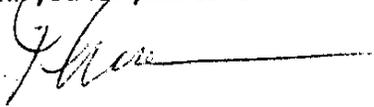
I have been attempting since 2010 to negotiate a mortgage modification with PNC. (Attached complaints sent to the Consumer Financial Protection Bureau along with PNC's responses).

At the advice of a representative with consumer credit and budget counseling, I did not respond to the initial intent to foreclose in 2010. (attached e mail)

As a result of my complaint sent to the Independent Foreclosure Review, I was awarded \$2,000. This amount is associated with those servicers that failed to modify mortgages. "Servicer never followed up to obtain complete loan modification documents as required under HAMP or other program designated by regulator". (OCC FRB Financial Remediation Framework Independent Foreclosure Review) Attached.

Based on these issues, I am requesting that the court holds PNC mortgage accountable for the hardship this entire process has caused for me and my family.

Thank you for your consideration.



Thomas J. Reale

cc:

Clerk of the Superior Court, Foreclosure Processing Services

Attn: Objection to Notice of Intent to Foreclose

Brian C. Nicholas, Esq.

Zucker, Goldberg & Ackerman, L.L.C.

Customer Tom Reale via Web

07/15/2013 10:51 AM

Previous filed Case number: 130221-001356. Why is it that PNC Mortgage had offered a HAMP trial mod, however, with only a 5% reduced payment but not approve me for an in house mod? I had asked why only a 5% reduced payment with the HAMP offer and was told that the missed payments had to be included. Why wasn't this done 4 years ago when I first needed help? I've read that on average, HAMP mods have resulted in a 39% reduction in payments. PNC had offered a HAMP mod in 2009, also with much less than a 39% reduced payment. I had a 40% reduction in income at the time. September will be 4 years that this has been going on. I have applied at least 5 times for a modification with PNC.



Page 2
August 9, 2013

Using the most aggressive calculations allowable by the owner of the loan, we were unable to reach an affordable payment.

We hope this letter sufficiently addresses your concerns regarding your hardship requests. Please contact the PNC Mortgage Customer Service Help Desk at 1-855-895-5087 with any further questions or concerns regarding your loan.

We appreciate the opportunity to be of service to you.

Sincerely,

Mortgage Escalations Group

TEC

Copy to: Consumer Financial Protection Bureau

Enclosure: April 18, 2013 Response Letter

Customer Tom Reale via Web

02/21/2013 03:07 PM

Have been negotiating with PNC mortgage since Oct. 2009 for a mortgage mod due to a 40% reduction in income at that time. On or about Feb. 10, 2013, 41 months later, I received a call from PNC advising me that I have been approved for a HAMP trial @ \$1,499 a month beginning March 1, 2013. My payment before all this started was \$1,585 back in Sept. 2009. When I asked why there was only an \$86 month reduction in my trial payment, I was told that the 41 missed payments had to be put back in. I asked why this wasn't done 41 month ago and was told that there have now been several changes to the HAMP program. PNC would never accept partial payments throughout this entire process. I received a motion to foreclose dated June 2010 but no sale date as of yet. I have been submitting duplicate faxes that were never received even though the fax machine confirmed successfully sent, applied at least 6 times for a mod and this is what they have offered. Today I was told that PNC arrived at this trial payment amount using my current income and expenses. I am required to pay alimony that PNC is aware of but I can't get a straight answer if this is figured into the 31% HAMP calculation. They did approve me for a HAMP mod back in 2009 with a similar monthly trial payment. When I asked if there were non HAMP mods to be considered for back then, I was offered an in house mod which was denied due to a \$400 monthly income shortfall. I received an \$800 month increase in pay and was once again denied a mod due to insufficient income. My math tells me I am \$400 over? I did submit a complaint to the Independent Foreclosure Review, Nov. 2011 and am awaiting the results.



April 18, 2013

Thomas J Reale
4 Whitman Drive
Somers Point NJ 08244

RE: Loan No. 0004905726
ECCS No. 213053001223
CFPB Case No. 130221-001356

Dear Mr. Reale:

PNC Mortgage is in receipt of written correspondence dated February 22, 2013 to the Consumer Financial Protection Bureau concerning the referenced loan. We apologize for the delay in responding and appreciate your patience while we thoroughly reviewed your loan.

In your correspondence you state that you have been attempting to obtain a mortgage loan modification since 2009. It is further stated that you were approved for a trial plan in February, 2013 under the Home Affordable Modification Program (HAMP); however, you express dissatisfaction with the payment reduction this offer provides.

Additionally, you have asked for a modification that includes a principal reduction, a fixed interest rate of 2% with a 40 year amortization schedule. Lastly, you have requested to know the owner of your loan.

Our records indicate that you were placed on a HAMP trial plan starting December 1, 2009. We further show that only the first two payments were received; therefore, the plan was terminated. Due to the guidelines in place at that time, you were no longer eligible for HAMP due to the unsuccessful completion of the trial plan.

Further research shows that you were reviewed for numerous proprietary modifications throughout 2010, 2011 and 2012. However, based on investor guidelines we were unable to offer a modification because your reported income was not sufficient to support a modified payment.

Due to recent changes to the HAMP program, you became eligible for consideration for HAMP once again. Our records reflect that you were approved for a HAMP Tier 2 Modification on February 6, 2013. Please note that HAMP guidelines require us to use your gross monthly income; thus, alimony payments are not taken into account when determining eligibility.



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April 18, 2013

Because you declined the referenced HAMP offer, we sent a new workout package on March 20, 2013. Once the information is received, we will begin the review for a proprietary modification. While we recognize the frustration with requesting updated information; it is essential in providing you with the best possible retention option.

Please be advised that PNC Mortgage does not offer any hardship options that will forgive the principal balance of your loan. The terms of all modifications are subject to the guidelines set forth for that particular loan.

Please be advised that the owner of this loan is PNC Bank, National Association, 3232 Newmark Drive, Miamisburg Ohio 45342, 1-800-822-5626, and you should continue to contact us for any concerns regarding your mortgage.

Please contact your Single Point of Contact (SPOC), Deborah S, at 1-888-224-4702 ext. 937-072-0697 if you have any further questions or concerns addressable by our Loss Mitigation Department. For all other questions please call our Customer Service Help Desk at 855-895-5087.

Sincerely,

Mortgage Escalations Group

str

Copy to: Consumer Financial Protection Bureau

XFINITY Connect

treale777@comcast.net

± Font Size -

Fwd: Reale (foreclosure counseling)

From : treale777@comcast.net

Mon, Dec 27, 2010 01:20 PM

Subject : Fwd: Reale (foreclosure counseling)

📎 1 attachment

To : Tom Reale <treale777@comcast.net>

----- Forwarded Message -----

From: "Igy Cruz" <housing.ccbc@gmail.com>

To: treale777@comcast.net

Sent: Monday, July 19, 2010 9:30:41 AM

Subject: Reale (foreclosure counseling)

Monday, July 19, 2010

Tom:

I received your fax.

Thank you.

Since you are in a 6-month forbearance plan and because your income increase has not occurred, I advise that you ignore the 2-week time frame on the letter from Zucker as we will respond to Zucker in September or October.

Thank you.

Respectfully,

Igy Cruz, Director of Housing, Certified Credit Counselor

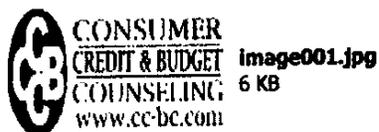
Consumer Credit and Budget Counseling

Ph: 609-390-9652 or 888-738-8233 x-207

Fx: 609-390-9653 or 888-738-8234



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**OCC FRB Financial Remediation Framework
Independent Foreclosure Review**

No.	CATEGORY	ERROR	DESCRIPTION	FORECLOSURE IN PROCESS (AT TIME OF REMEDIATION)		FORECLOSURE COMPLETE (AT TIME OF REMEDIATION)	
				Remedy	Dollar Payment	Remedy	Dollar Payment
5	Loan Modification Application	Loan modification application denied in error, or complete loan modification application where borrower would have qualified was never decided	Servicer denied borrower application for loan modification that should have been approved, or servicer failed to decision complete loan modification application for which borrower would have qualified.	Suspend foreclosure as required by program and where loan modification permitted based on past documentation; pay \$2,500, provide loan modification for which borrower should have been approved, correct servicer record for excess interest, late fees, foreclosure fees, and/or any other improper amounts, and correct credit reports.	\$2,500	Rescind foreclosure and provide loan modification for which borrower should have been approved based on past documentation when possible; pay \$5,000, correct servicer record for excess interest, late fees, foreclosure fees, and/or any other improper amounts, and correct credit reports.	\$5,000
				Suspend foreclosure as required by program and where loan modification not permitted based on past documentation; pay \$10,000, offer existing loan modification or other loss mitigation programs, correct servicer record for excess interest, late fees, foreclosure fees, and/or any other improper amounts, and correct credit reports.	\$10,000	If either rescission of foreclosure is not possible or where loan modification not permitted based on past documentation; pay \$15,000 plus equity, remedy deficiency for excess interest, late fees, foreclosure fees, and/or any other improper amounts, and correct credit reports.	\$15,000 plus equity
6	Loan Modification Application	No follow up on loan modification application	Servicer never followed up to obtain complete loan modification documents as required under HAMP or other program designated by regulator.	Pay \$2,000 and offer existing loan modification or other loss mitigation programs.	\$2,000	Pay \$2,000.	\$2,000
7	Loan Modification Application	Never solicited loan modification	Servicer never solicited borrower loan modification option as required under HAMP or other program designated by regulator.	Pay \$1,000 and offer existing loan modification or other loss mitigation programs.	\$1,000	Pay \$1,000.	\$1,000
8	Loan Modification Application	Failed to approve modification in prescribed timeframe	Servicer approved borrower for loan modification under HAMP or other program designated by regulator, but did not make decision within required timeframe.	Correct servicer record for excess interest accrued by borrower.	N/A	Remedy deficiency for excess interest.	N/A

