

NMR 8313
Law Offices of
NEAL M. RUBEN
179 Avenue at the Common, Suite 201
Shrewsbury, New Jersey 07702
TELE-(732) 460-0007
Attorneys for OceanFirst Bank

RECEIVED

OCT 24 2013

B-106
10-24-13
CK# 0057 \$230.00
OU#30

| | |
|---|---|
| <p>IN RE APPLICATION BY OCEANFIRST BANK TO ISSUE CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES,</p> | <p>SUPERIOR COURT SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY</p> <p>DOCKET NO.: F -039099-13</p> <p>Civil Action</p> <p>VERIFIED COMPLAINT IN SUPPORT OF ORDER TO SHOW CAUSE</p> |
|---|---|

Plaintiff OceanFirst Bank ("OceanFirst" or "Plaintiff"), through its attorneys, Law Offices of Neal M. Ruben, by way of Verified Complaint, hereby states as follows:

FIRST COUNT

1. Plaintiff has instituted these proceedings pursuant to the April 4, 2012 Order of the New Jersey Supreme Court (the "April 4th Order") that was entered following the Court's decision in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), ("Guillaume"). The April 4th Order provided the procedure for a lender to apply to the Superior Court of New Jersey to correct deficient Notices of Intent to Foreclose.

2. OceanFirst is a federally chartered savings association. In addition to originating and servicing its own loans, OceanFirst services residential mortgage loans for other institutions for properties located in New Jersey.

3. OceanFirst is authorized to act on behalf of the Foreclosure Plaintiffs in pending, prejudgment uncontested foreclosure actions.

4. When OceanFirst services mortgage loans for residential properties it undertakes payment collection, loss mitigation (modifications, short sales, deeds in lieu) and collection efforts, including foreclosure, with respect to a mortgage loan. If a loan is owned by another entity, OceanFirst undertakes these efforts in accordance with the contracts that govern its relationship with the owner of the loan as well as the loan documents, Rules of Court and any applicable laws. As the entity collecting and processing payments, OceanFirst has the information relevant to the payments, escrows paid, amounts due and whether a loan is in default and by how much. This information is maintained on OceanFirst's systems of record. In cases which OceanFirst is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information. Accordingly, OceanFirst makes this application to the Court pursuant to the authority granted to it as the servicing agent of Foreclosure Plaintiffs in the pending foreclosure cases.

5. As a servicer on a defaulted mortgage loan in New Jersey it is the duty of OceanFirst to prepare and serve the Notice of Intent to Foreclose ("NOI"), in accordance with N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by OceanFirst and includes information about the amount that is required to reinstate the loan and the date by which reinstatement must occur.

6. On February 27, 2012, the Supreme Court decided Guillaume and held that the court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56 were not followed has the discretion to choose the appropriate remedy, permitting a cure of the deficient NOI, or imposing such other remedy as may be appropriate to the specific case.

7. In association with its decision in Guillaume, the Court entered the April 4, 2012 Order which authorizes summary actions by Orders to Show Cause as to why Plaintiffs in any uncontested residential mortgage foreclosure actions filed on or before February 27, 2012, in which final judgment has not been entered, who caused NOIs to be served that are deficient under the Fair Foreclosure Act, N.J.S.A. 2A:50-56, should not be allowed to serve corrected NOIs on defendant/mortgagors and/or parties obligated on the debt (the "Foreclosure Defendants").

8. The April 4, 2012, Order required that any corrected NOI must be accompanied by a letter to the Foreclosure Defendants 1) setting forth the reasons why the corrected NOI is being served; 2) the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI; 3) the name of a person to contact with any questions; and 4) that the receipt of the corrected NOI allows Foreclosure Defendants 30 days in which to object or to cure the default.

9. OceanFirst has identified pending foreclosure cases which require a corrected NOI because the lender and the lender's address were not included

in the previously served NOIs ("Corrected NOI List"). That List is attached hereto as **Exhibit "A"**.

10. The Corrected NOI List includes the loans that are pre-judgment uncontested foreclosures that OceanFirst is servicing and in which deficient NOIs were served. Specifically, as directed by the Supreme Court in Guillaume and the April 4, 2012 Order, the Corrected NOI List will include a listing of:

- a. foreclosures that were filed on or before February 27, 2012 and which OceanFirst is servicing the loans and acting as agent for a Foreclosure Plaintiff; and
- b. in which final judgment has not been entered, and
- c. in which OceanFirst is seeking leave to file a corrected NOI to include the identity of the lender and the lender's address.

11. The Corrected NOI List also identifies (1) the name of the lender on each loan which is listed as the plaintiff in the foreclosure action, and (2) the foreclosure docket number. While OceanFirst is not the Plaintiff in each of the foreclosure actions, it is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI.

12. To comply with the April 4, 2012 Order, attached as **Exhibit "B"** to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that OceanFirst intends to send to each Foreclosure Defendant. As instructed by the Supreme Court in the April 4, 2012 Order, the proposed form of Explanatory Letter:

- a. explains the reason why the corrected NOI is being served; and
- b. details the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI; and

- c. Lists the borrower name , loan number, plaintiff, and docket number for the underlying foreclosure action; and
- d. identifies the individual(s) a Foreclosure Defendant should contact with any questions; and
- e. advises the Foreclosure Defendant of the right, within 35 days of the date of the corrected NOI, to object to the corrected NOI and/or to cure the default.

In accordance with the procedure approved by the Court, the corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure cases.

13. Attached as **Exhibit "C"** to the Verified Complaint is the proposed form of corrected NOI which OceanFirst will send to each of the Foreclosure Defendants identified on the 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's name and address and the amount to reinstate, as provided for in the Order to Show Cause.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order permitting OceanFirst to issue corrected NOIs in an omnibus manner as permitted in the April 4, 2012 Order to include the name and address of the lender in the pending, uncontested foreclosure cases listed on the Corrected NOI List and for such other and further relief as this Court deems just and equitable.

Law offices of NEAL M. RUBEN
Attorneys for OceanFirst Bank

By: 

NEAL M. RUBEN, ESQ.

Dated: October 21, 2013

CERTIFICATION

I certify to Rule 4:5-1 that, to the best of my knowledge, this matter is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, other than the pending foreclosure actions on the Corrected NOI List to be submitted to the Court and any pending, separate actions initiated outside of the uncontested foreclosure proceedings in which Foreclosure Defendants may have raised claims concerning, *inter alia*, their NOIs but which are not at issue in this application. I further certify that I am unaware of any non-party which should be joined in this action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:20-1(b) because of potential liability to any party based on the same transactional facts.


NEAL M. RUBEN, ESQ.

Dated: October 21, 2013.

Exhibit “A”

| ATTORNEY NAME | PLAINTIFF | DOCKET | BORROWER | VICINAGE | CONTESTED |
|---------------------|--|-------------|--------------------|-----------------|-----------|
| NEAL M. RUBEN, ESQ. | Ocean First Bank (mortgage has been assigned to IMPAC Funding Corp. - pending motion to change name of Plaintiff) | F-002987-11 | Joseph J. Craddock | Cape May County | N |
| NEAL M. RUBEN, ESQ. | Investors Savings Bank | F-000741-11 | Joseph R. Grogan | Monmouth County | N |

Exhibit "B"

LAW OFFICES
NEAL M. RUBEN

179 AVENUE AT THE COMMON
SUITE 201
SHREWSBURY, NEW JERSEY 07702
TEL. (732) 460-0007

NEAL M. RUBEN*
LAURIE GLUCK RUBEN

*Also admitted in New York

FAX (732)-460-1980

(Date)

(Defendant's Name)
(Defendant's Address)
(Defendant's City, State ZIP)

RE: Order to Show Cause - Docket No.
Your Foreclosure Action (Caption and Docket Number of Defendant's
Foreclosure Action).
Account No.

**Please read this letter and the enclosed documents carefully
as they contain important information concerning your rights.**

Dear Borrower:

Please be advised that the New Jersey Supreme Court recently held in U.S. Bank N.A. v. Guillaume, 209 N.J. 449 (2012), that mortgage lenders seeking to foreclose must comply with the New Jersey Fair Foreclosure Act's requirement that a Notice of Intention to Foreclose set forth the name and address of the lender.

Why You Are Receiving This Letter

You are receiving this letter because you are the defendant in a pending foreclosure action, and it is believed that the Notice of Intention to Foreclose served upon you prior to the commencement of the foreclosure action did not comply with the requirements of the Fair Foreclosure Act.

By the court's Order to Show Cause dated _____, and in compliance with the Supreme Court's opinion in U.S. Bank N.A. v. Guillaume, the Honorable Margaret Mary McVeigh, P.J. Ch., gave permission to OceanFirst Bank to serve, along with the Order to Show Cause and Verified Compliant, corrected Notices of Intention to Foreclose on all defendant mortgagors/parties obligated on the debt in pending foreclosure actions filed before February 28, 2012 in which one of the entities names below is the Plaintiff.

Information about the Order to Show Cause and Verified Complaint

Enclosed with this letter are copies of the Order to Show Cause and Verified Complaint. The Verified Complaint lists the following lenders.

IMPAC FUNDING
INVESTORS SAVINGS BANK

The attachments to the Verified Complaint, which lists the foreclosure actions in which the above-named lenders are the plaintiffs, will be made available on the New Jersey Courts website at <http://www.judiciary.state.nj.us/>. 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 by entering your name on the automatic search field on the court's website. If you do not have access to a computer or have trouble locating that information on the court's website, you can contact George Maceli, assistant vice president, at OceanFirst Bank at (732) 240-4500 ext. 7355, who can assist you in locating the information about your foreclosure.

Information about the Corrected Notice of Intention to Foreclose

Also enclosed with this letter is a corrected Notice of Intention to Foreclose. It allows you an additional 30 days in which to cure the default without having to pay the plaintiff's court costs and attorneys' fees. It also sets forth important information about your loan, including information on how you can cure the default; the consequences of failing to cure the default; contact information for the plaintiff; and information about retaining counsel and borrower assistance. If you fail to cure the default by the date set forth in the corrected Notice of Intention to Foreclose, the foreclosure action against you will proceed. In such event the property will be sold at a Sheriff's Sale and you will lose your rights in the property.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the plaintiff in the foreclosure action. The corrected Notice of Intention to Foreclose lists the name and address of the current lender on your loan.

Questions about the Notice of Intention to Foreclose

OceanFirst Bank ("OceanFirst"), is the servicer of your mortgage loan. Our records show that your loan is in default and you have breached the terms of the note and mortgage, deed of trust, or other security agreement securing your loan.

If you have questions concerning your loan or the corrected Notice of Intention to Foreclose, please call George Maceli, assistant vice president at OceanFirst at 732-240-4500 ext. 7355. Additional contact information is provided in the corrected Notice of Intention to Foreclose,

How to File an Objection

You have the right to object to the enclosed Order to Show Cause (the process by which the court gave the plaintiff permission to serve the corrected Notice of Intention to Foreclose). To do so, you must file a written objection under the docket number for the Order to Show Cause.

You also have the right to object to the enclosed corrected Notice of Intention to Foreclose. To do so, you must file a written objection under the docket number for the foreclosure action in your individual case.

For either type of objection, you must set forth with specificity the basis of the objection, and file the objection with the Superior court Clerk's Office at the following address within 30 days.

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 the plaintiff's attorneys. The Law Offices of Neal M. Ruben, 179 Avenue at the Common, Suite 201, Shrewsbury, New Jersey 07702 and mail a copy of the objection to the Honorable Margaret Mary McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, 71 Hamilton Street, Paterson, New Jersey 07505..

Your personal appearance at the Superior Court Clerk's Office or your local courthouse will not qualify as an objection. A telephone call will not protect your rights; you must file your opposition and serve your opposition on plaintiff's attorneys if you want the Court to hear your opposition to the relief that plaintiff is seeking. If you file a specific written objection, the case will be sent to a Judge for resolution. You will be informed by the Judge of the time and place of the hearing on your objection.

Questions about Filing an Objection

Should you have questions related to the procedure for filing an objection, 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 SCCOForeclosureMailbox@judiciary.state.nj.us.

Very truly yours,

NEAL M. RUBEN

Enclosures

- Corrected Notice of Intent to Foreclose
- Order to Show Cause of the Superior Court
- Verified Complaint

Exhibit "C"

DATE

ADDRESS
ADDRESS

NOTICE OF INTENTION TO FORECLOSE
(N.J.S.A. 2A:50-56)

Dear NAME:

Please read the following important information concerning your obligation under the Note and Mortgage (the "Loan") secured by the Mortgaged Property, as the Loan is in Default:

THE LOAN

Name and Address of Lender: _____
Name and Address of Servicer: _____
Mortgage Loan Number: _____
Date of Note: _____
Original Principal amount of Loan \$: _____
Date of Modification Agreement (delete if inapplicable): _____
Mortgaged Property Address: _____

DEFAULT

The Note which is secured by a Mortgage on the above Mortgaged Property is in default because the Lender has not received the installments due under the Loan. (INSERT ONLY IF APPLICABLE) The Loan was modified by (describe type of agreement) _____ Modification Agreement dated _____. The total sum of money due to cure the default as of the date of this letter is as follows:

- Principal and interest payments for _____ \$ _____
(LIST MONTHS OF PAYMENTS OWED)
- Late charges \$ _____
- Other Charges (list other charges taxes etc) _____
- Total Payment \$ _____

RIGHT TO CURE DEFAULT

You have the right to cure the default and avoid foreclosure by paying or tendering the sum of \$ _____ to OceanFirst, on or before (INSERT DATE 30 DAYS FROM THE DATE OF THIS LETTER). This amount includes any other scheduled installment and late charge, which will become due to the Lender during this period, even though such installment may not presently be due. Your payment must be payable to OceanFirst Bank and delivered to the following:

Mailing Address:
OceanFirst Bank
975 Hooper Avenue
Toms River, New Jersey 08754
Attn: George J. Maceli, Assistant Vice President
Asset Recovery Manager
Tele- 732-240-4500, ext. 7355.

FAILURE TO CURE

IF YOU DO NOT CURE THE DEFAULT BY (30 DAY, DUE DATE FROM ABOVE), THE LENDER MAY TAKE STEPS TO TERMINATE YOUR OWNERSHIP IN THE PROPERTY BY INITIATING FORECLOSURE PROCEEDINGS AGAINST YOU AND THE PROPERTY IN A COURT OF COMPETENT JURISDICTION RESULTING IN THE ENTRY OF JUDGMENT OF FORECLOSURE AND SALE BY THE SHERIFF. IF THE PROPERTY IS SOLD BY THE SHERIFF YOU WILL LOSE ALL OWNERSHIP RIGHTS IN THE PROPERTY.

RIGHT TO CURE AFTER FORECLOSURE COMMENCED

IN THE EVENT THAT THE LENDER COMMENCES A FORECLOSURE ACTION AGAINST YOU, YOU WILL STILL HAVE A RIGHT TO CURE THE DEFAULT PRIOR TO ENTRY OF THE FORECLOSURE JUDGMENT PURSUANT TO SECTION 5 OF THE "FAIR FORECLOSURE ACT;" HOWEVER, YOU WILL BE RESPONSIBLE FOR THE LENDER'S COURT COSTS AND ATTORNEYS' FEES IN AN AMOUNT NOT TO EXCEED THAT AMOUNT PERMITTED PURSUANT TO THE RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY.

RIGHT TO TRANSFER OWNERSHIP

In the event that you transfer the real estate to another person, the transfer is still subject to the Lender's rights in the mortgage covering the property. The new owner of the property may have the right to cure the default as provided in the "Fair Foreclosure Act," subject to the mortgage documents.

RIGHT TO SEEK LEGAL COUNSEL

You are advised to seek counsel from an attorney of your own choosing concerning your mortgage default situation. If you are unable to obtain an attorney, you may communicate with the New Jersey Bar Association or Lawyer Referral Service in the county in which the mortgaged premises is located. If you are unable to afford an attorney, you may communicate with the Legal Services Office in the county in which the mortgaged premises is located. These numbers are listed on the attached Schedule.

POSSIBLE FINANCIAL ASSISTANCE

You are advised that there may be the possible availability of financial assistance for curing a default from programs operated by the State or Federal government or non-profit organizations, if any, as identified by the Commissioner of Banking. Section 5 of the "Fair Foreclosure Act" provides that this requirement may be satisfied by attaching a list of such programs promulgated by the Commissioner. Such a list is attached.

IF YOU DISAGREE WITH THE LENDER

The name and address of the Lender is: (insert name and address of Lender, from above). If you disagree with the Lender's assertion that (1) a default has occurred, or (2) the correctness of the calculation of the amount required to cure the default, you may contact OceanFirst Bank, 975 Hooper Avenue, Toms River, New Jersey 08754, Attn: George J. Maceli, Assistant Vice President, Asset Recovery Manager, 732-240-4500, ext. 7355. **After 30DAYDATE please direct all inquiries to our Bank's counsel, Steven J. Tsimbinos, Esquire, at (732) 240-4500.**

PAYOFF and ACCELERATION: After the expiration of the above date the Loan will be accelerated. The total amount necessary to satisfy the Loan will be as follows:

| | |
|------------------------|-------------------------------------|
| Projected Payoff Date: | <u>(30 DAY DUE DATE FROM ABOVE)</u> |
| Principal Balance | \$ |
| Interest to | \$ |
| Other charges | |
| Total Payoff | \$ |
| Per Diem | \$ |

Payoff Instruction Information:

- Payoff figures are subject to change so please call 732-240-4500 to update these figures prior to remitting funds.

BANKRUPTCY NOTICE

This Notice of Intent to Foreclose is being served upon you pursuant to the requirements of New Jersey Law. If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt, please be advised that this letter constitutes neither a demand for payment of the debt, nor a notice of personal liability to any recipient hereof who might have received a discharge of such debt in accordance with the applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code. Please be advised if the above applies to you, this letter is being served only for informational purposes and notice of a possible enforcement of a lien against the collateral property.

Please be advised that you have the opportunity to receive home ownership counseling from various local agencies approved by the Department of Housing and Urban Development (HUD). You may also wish to call the following numbers to ascertain whether you qualify for assistance.

- Housing Counseling Services 1-800-569-4287.
- Veterans Affairs 1-800-827-1000
- New Jersey Commissioner of Banking 1-609-292-7272
- New Jersey Commissioner of Banking Hotline 1-800-446-7467

Sincerely,

George Maceli
Assistant Vice President
Loan Servicing Department
CERTIFIED MAIL #

THE AMOUNT OF THE DEBT IS PROVIDED IN THIS LETTER ABOVE. THE NAME OF THE CREDITOR IS PROVIDED ON THE FIRST PAGE OF THIS LETTER. UNLESS YOU DISPUTE THE VALIDITY OF THIS DEBT, OR ANY PORTION THEREOF IN WRITING, WITHIN THIRTY (30) DAYS OF YOUR RECEIPT OF THIS LETTER, THE DEBT WILL BE ASSUMED TO BE VALID. IF, WITHIN THIRTY (30) DAYS OF YOUR RECEIPT OF THIS LETTER, YOU NOTIFY US THAT THE DEBT, OR ANY PORTION THEREOF, IS DISPUTED, VERIFICATION OF THE DEBT WILL BE PROVIDED TO YOU. WE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR/LENDER IF DIFFERENT FROM THE CURRENT CREDITOR/LENDER, IF YOU REQUEST THIS INFORMATION WITHIN THIRTY (30) DAYS.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY AND ALL INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. HOWEVER, IF YOU ARE IN BANKRUPTCY OR RECEIVED A BANKRUPTCY DISCHARGE OF THIS DEBT, THIS LETTER IS NOT AN ATTEMPT TO COLLECT A DEBT BUT NOTICE OF A POSSIBLE ENFORCEMENT OF A LIEN AGAINST THE COLLATERAL PROPERTY.

NOTICE OF SERVICEMEMBERS RIGHTS
(Civil Relief Act (50 USC App. §§ 501-597b))

| | | |
|--|---|--|
| Servicemembers Civil Relief Act Notice Disclosure | U.S. Department of Housing and Urban Development Office of Housing | OMB Approval 2502-0584 Exp 11/30/2014 |
|--|---|--|

Legal Rights and Protections Under the SCRA

Servicemembers on "active duty" or "active service," or a spouse or dependent of such a servicemember may be entitled to certain legal protections and debt relief pursuant to the Servicemembers' Civil Relief Act (50 USC App. §§ 501-597b) (SCRA).

Who May Be Entitled to Legal Protections Under the SCRA?

- Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard).
- Reserve and National Guard personnel who have been activated and are on Federal active duty
- National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds
- Active servicemembers of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration.
- Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

What Legal Protections Are Servicemembers Entitled To Under the SCRA?

- The SCRA states that a debt incurred by a servicemember, or servicemember and spouse jointly, prior to entering military service shall not bear interest at a rate above 6 % during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage, or during the period of military service in the case of any other obligation or liability.
- The SCRA states that in a legal action to enforce a debt against real estate that is filed during, or within 9 months after the servicemember's military service, a court may stop the proceedings for a period of time, or adjust the debt. In addition, the sale, foreclosure, or seizure of real estate shall not be valid if it occurs during, or within 9 months after the servicemember's military service unless the creditor has obtained a valid court order approving the sale, foreclosure, or seizure of the real estate.
- The SCRA contains many other protections besides those applicable to home loans.

How Does A Servicemember or Dependent Request Relief Under the SCRA?

- In order to request relief under the SCRA from loans with interest rates above 6% a servicemember or spouse must provide a written request to the lender, together with a copy of the service member's military orders. OceanFirst Bank, 975 Hooper Ave, Toms River, N.J. 08753 Attn: George J. Maceli, Assistant Vice President, Asset Recovery Manager, 732-240-4500, ext. 7355.
- There is no requirement under the SCRA, however, for a servicemember to provide a written notice or a copy of a servicemember's military orders to the lender in connection with a foreclosure or other debt enforcement action against real estate. Under these circumstances, lenders should inquire about the military status of a person by searching

the Department of Defense's Defense Manpower Data Center's website, contacting the servicemember, and examining their files for indicia of military service. Although there is no requirement for service members to alert the lender of their military status in these situations, it still is a good idea for the service member to do so.

How Does a Servicemember or Dependent Obtain Information About the SCRA?

- Servicemembers and dependents with questions about the SCRA should contact their unit's Judge Advocate, or their installation's Legal Assistance Officer. A military legal assistance office locator for all branches of the Armed Forces is available at <http://legalassistance.law.af.mil/content/locator.php>
- "Military OneSource" is the U. S. Department of Defense's information resource. If you are listed as entitled to legal protections under the SCRA (see above), please go to www.militaryonesource.com/scra or call 1-800-342-9647 (toll free from the United States) to find out more information. Dialing instructions for areas outside the United States are provided on the website.

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.

| | | |
|--|---|--|
| <p>AMERICAN CREDIT ALLIANCE, INC. 26 South Warren Street Trenton, NJ 08608 (609) 393-5400</p> | <p>HOUSING COALITION OF CENTRAL JERSEY 78 New Street New Brunswick, NJ 08901 (732) 249-9700</p> | <p>OCEAN COMMUNITY ECONOMIC ACTION NOW, INC. 10 Washington Street Toms River, NJ 08753 (732) 244-2351 Ext. 14</p> |
| <p>ATLANTIC HUMAN RESOURCES, INC. 1 South New York Avenue Atlantic City, NJ 08401 (609) 348-4131</p> | <p>JERSEY COUNSELING AND HOUSING DEVELOPMENT, INC. 29 South Blackhorse Pike Blackwood, NJ 08012 (856) 227-3683</p> | <p>PATERSON COALITION FOR HOUSING, INC. 262 Main Street – 5th Floor Paterson, NJ 07505 (973) 684-5998</p> |
| <p>CITIZEN ACTION (offices statewide) 400 Main Street Hackensack, NJ 07601 1 (800) NJ OWNER (201) 488-2804</p> | <p>JERSEY COUNSELING & HOUSING DEVELOPMENT, INC. 1840 South Broadway Camden, NJ 08104 (856) 541-1000</p> | <p>PATERSON TASK FORCE FOR COMMUNITY ACTION, INC. 155 Ellison Street Paterson, NJ 07505 (973) 279-2333</p> |
| <p>CONSUMER CREDIT COUNSELING SERVICE OF CENTRAL NEW JERSEY 253 Nassau Street Princeton, NJ 08540 (609) 924-2896</p> | <p>MERCER COUNTY HISPANIC ASSOCIATION 200 East State Street – 2nd Floor Trenton, NJ 08607 (609) 392-2446</p> | <p>TRI-COUNTY COMMUNITY ACTION AGENCY, INC. 110 Cohansey Street Bridgeton, NJ 08302 (856) 451-6330</p> |
| <p>CONSUMER CREDIT COUNSELING SERVICE OF NEW JERSEY 185 Ridgedale Avenue Cedar Knolls, NJ 07927 (973) 267-4324</p> | <p>MIDDLESEX COUNTY ECONOMIC OPPORTUNITIES CORPORATION 1215 Livingston Avenue North Brunswick, NJ 08902 (732) 846-6600 Ext. 226</p> | <p>URBAN LEAGUE FOR BERGEN COUNTY 106 West Palisade Avenue Englewood, NJ 07631 (201) 568-4988</p> |
| <p>FAIR HOUSING COUNSEL OF NORTHERN NEW JERSEY 131 Main Street Hackensack, NJ 07601 (201) 489-3552</p> | <p>MONMOUTH COUNTY HUMAN SERVICES Housing Services Unit P.O. Box 3000 Freehold, NJ 07728 (732) 431-7998</p> | <p>URBAN LEAGUE FOR ESSEX COUNTY 508 Central Avenue Newark, NJ 07101 (973) 624-9535</p> |
| <p>GARDEN STATE CONSUMER CREDIT COUNSELING, INC. 225 Willowbrook Road Freehold, NJ 07728 1 (800) 992-4557</p> | <p>MORRIS COUNTY FAIR HOUSING COUNCIL 65 Spring Street Morristown, NJ 07963 (973) 538-2975</p> | <p>URBAN LEAGUE OF UNION COUNTY 288 North Broad Street Elizabeth, NJ 07208 (908) 351-7200</p> |
| <p>HOMELESSNESS PREVENTION PROGRAM New Jersey Department of Community Affairs (609) 633-6204*</p> | | |

*Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the deed and mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

LAW OFFICES
NEAL M. RUBEN

179 AVENUE AT THE COMMON
SUITE 201
SHREWSBURY, NEW JERSEY 07702
TEL. (732) 460-0007

MEMBER NJ & NY BARS

FAX (732)-460-1980

October 22, 2013

Federal Express Overnight Service

The Honorable Margaret Mary McVeigh, P.J. Ch.
Superior Court of New Jersey
Passaic County Courthouse
Chambers 100
71 Hamilton Street
Paterson, New Jersey 07505

RE: In re Application by OceanFirst Bank to Issue Corrected Notices of Intent to Foreclose on Behalf of Identified Foreclosure Plaintiffs in Uncontested Cases, Docket No. _____

Dear Judge McVeigh:

This firm represents OceanFirst Bank ("OceanFirst") in the above-referenced matter. Please accept this letter brief and the accompanying documents in support of OceanFirst's application to proceed by Order to Show Cause for an Order permitting it to serve corrected Notices of intent to Foreclosure under the Fair Foreclosure Act ("FFA"). OceanFirst makes this application on behalf of Foreclosure Plaintiffs for whom it acts as servicer.

In *U.S. Bank N.A. v. Guillaume*, 209 N.J. 449 (2012) ("Guillaume"), the New Jersey Supreme Court held that the FFA requires that a Notice of Intention to Foreclose ("NOI") include the name and address of the actual lender, as set forth in N.J.S.A. 2A:50-56(c). The Supreme Court also held that that the court adjudicating a foreclosure action in which the strict requirements of N.J.S.A. 2A:50-56 were not followed has the discretion to choose the appropriate remedy, including permitting a cure of the deficient NOI, or imposing such other remedy as may be appropriate to the specific case.

Subsequent to Guillaume, the Supreme Court entered an order dated April 4, 2012 (the "April 4th Order") in which it authorized the trial court to hear summary actions by lenders to correct deficient NOIs and further outlined the procedures and requirements for proceeding with such actions.

Corrected NOI List

OceanFirst has identified pending foreclosure cases which require a corrected NOI because the lender and the lender's address were not included in the previously

served NOIs ("Corrected NOI List"). That List is attached to the Verified Complaint as Exhibit "A". The Corrected NOI List includes the loans that are pre-judgment uncontested foreclosures that OceanFirst is servicing and in which deficient NOIs were served. Specifically, as directed by the Supreme Court in Guillaume and the April 4, 2012 Order, the Corrected NOI List will include a listing of:

- a. foreclosures that were filed on or before February 27, 2012 and which OceanFirst is servicing the loans and acting as agent for a Foreclosure Plaintiff; and
- b. in which final judgment has not been entered, and
- c. in which OceanFirst is seeking leave to file a corrected NOI to include the identity of the lender and the lender's address.

The Corrected NOI List also identifies (1) the name of the lender on each loan which is listed as the plaintiff in the foreclosure action, and (2) the foreclosure docket number. While OceanFirst is not the Plaintiff in each of the foreclosure actions, it is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI.

OceanFirst seeks an Order from this Court allowing it to serve corrected NOIs in these cases so that a Certification of Diligent Inquiry can be signed and the uncontested foreclosures can proceed to final judgment.

Explanatory Letter

As further directed by the April 4, 2012 Order, attached as Exhibit "B" to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that OceanFirst intends to send to each Foreclosure Defendant. The proposed form of Explanatory Letter:

- a. explains the reason why the corrected NOI is being served; and
- b. details the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI; and
- c. Lists the borrower name, loan number, plaintiff, and docket number for the underlying foreclosure action; and
- d. identifies the individual(s) a Foreclosure Defendant should contact with any questions; and
- e. advises the Foreclosure Defendant of the right, within 35 days of the date of the corrected NOI, to object to the corrected NOI and/or to cure the default.

In accordance with the procedure approved by the Court, the corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure cases.

Revised Notice of Intent to Foreclose ("NOI")

The Verified Complaint contains a revised form of NOI that OceanFirst intends to send to Foreclosure Defendants to cure any defect with the prior NOI. The corrected NOI is attached to the Verified Complaint as **Exhibit "C"**. This form of NOI identifies the lender and the lender's address. In addition, OceanFirst continues to update its foreclosure procedures and over the course of time it has made numerous other changes and improvements to the NOI that it previously served upon the Foreclosure Defendants.

OceanFirst shall serve each of the Foreclosure Defendants identified in the Corrected NOI list with the following, as provided for in the proposed order to show cause:

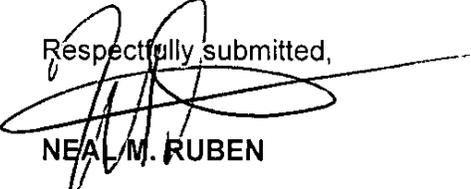
1. Verified Complaint.
2. Signed Order to Show Cause.
3. Corrected NOI List with (Exhibit "A").
4. Explanatory Letter (Exhibit "B").
5. Corrected NOI (Exhibit "C").

Foreclosure Defendants will have an opportunity to cure their default in the manner provided for under the FFA and the corrected NOI.

The above procedure for correcting the NOI is consistent with the Supreme Court's decision in Guillaume and the April 4th Order. Since OceanFirst will not include attorneys' fees in the corrected NOI, this procedure allows Foreclosure Defendants another opportunity to cure their default on the same terms available at the time the initial NOI was served.

Accordingly, OceanFirst respectfully requests that the Court:

- (a) Approve the form of Explanatory Letter as **Exhibit "B"** to the Verified Complaint, and
- (b) Approve the form of corrected NOI as **Exhibit "C"** to the Verified Complaint.

Respectfully submitted,

NEAL M. RUBEN

cc: Michelle Smith, Esq, Superior Court Clerk
(Via Federal Express Overnight Mail)
OceanFirst Bank