FILED Oct 30, 2013

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 Plaintiff, OceanFirst Bank

IN RE APPLICATION BY OCEANFIRST BANK TO ISSUE CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN UNCONTESTED CASES	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION PASSAIC COUNTY DOCKET NO.: Civil Action **ORDER TO SHOW CAUSE TO PROCEED SUMMARILY PURSUANT TO R. 4:67-2**

THIS MATTER being brought before the Court by the Law Office of Neal M. Ruben, attorneys for OceanFirst Bank, 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 **30th** day of **October**, 2013,

ORDERED that the Foreclosure Defendants whose names appear in the Corrected NOI List set forth in **Exhibit "A"** of the Verified Complaint may appear on the **29th** day of **January**, 2014 before the Honorable Margaret Mary McVeigh P.J.Ch., Passaic County Superior Court, Chancery Division at 71 Hamilton Street, Paterson, New Jersey at **2:00** **P.M.** o'clock, show cause as to why judgment should not be entered as follows:

A. Declaring Plaintiff's form Notice of Intention to Foreclose to be compliant with the requirements of the Fair Foreclosure Act; and

B. Allowing OceanFirst to send new Notices of Intention to Foreclose, giving the borrower(s) at least ~~20~~ 35 days from the date the letter is mailed to cure the default on the mortgage without having to pay legal fees or costs; and

C. Granting such other relief as the Court deems equitable and just.

IT IS FURTHER ORDERED that;

1. Plaintiff 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 principal 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 Plaintiff'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, within five days of the date of this Order.

3. A true copy of this Order to Show Cause and Verified Complaint (without exhibits), shall be served upon the borrowers listed in **Exhibit "A"** to the Verified Complaint, by certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any borrower listed in Exhibit "A" of the Verified Complaint who resides outside the United States) and regular mail, **within 45 days** of the date of this Order.

4. Along with this Order to Show Cause, Plaintiff may serve the corrective Notice of Intention to Foreclose allowing the borrower at least thirty ~~(30)~~ 35 days to cure the default on the subject Mortgage without having to pay attorney's fees or costs, in a form as set forth in **Exhibit "C"** of the Verified Complaint. Plaintiff shall also serve a cover letter in the form set forth in **Exhibit "B"** of the Verified Complaint.

a. For any borrower in an active bankruptcy case where the provisions of the automatic stay are still in place, Plaintiff may serve a copy of this Order to Show Cause and Amended 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 Plaintiff has not already sent a corrective Notice of Intention to Foreclose, Plaintiff 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, Plaintiff 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 Foreclose with this Order to Show Cause, Plaintiff may not proceed with a foreclosure action until such Notice of Intention is served as authorized by this Court's Order;

c. If Plaintiff believes that service of this application will be a violation of the provisions of the automatic stay, once the stay is vacated Plaintiff may file a motion with the Chancery Judge in the vicinage where their property lies requesting permission to send a new NOI. Plaintiff shall not be required to file a new Order to Show Cause for cases currently in bankruptcy.

5. In addition to providing service of the OSC Package by certified and regular mail, OceanFirst Bank shall provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices on at least two days prior to **December 20, 2013** :

a. Asbury Park Press

b. Star Ledger

c. The Press of Atlantic City

d. The Gloucester County Times

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
Attention: 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:

Honorable Margaret Mary McVeigh, P.J.Ch.
Passaic County Courthouse
71 Hamilton St., Chambers 100
Patterson, New Jersey 07505

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

Neal M. Ruben, Esq.
Law Offices of Neal M. Ruben
179 Avenue at the Common
Suite 201
Shrewsbury, New Jersey 07102

Objections to this Order to Show Cause must state with specificity the basis for the objection and must be filed no later than **January 10, 2014**.

7. If a timely objection is not filed, the matter may proceed to judgment in accordance with the Results 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 Case. 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 Plaintiff, to the Plaintiff'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 offices 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 Plaintiff 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 Plaintiff's written reply shall be filed and served by January 20, 2014. A copy of the reply, if any, shall be served upon the Clerk of the Superior Court, with a courtesy copy directly to the Honorable Margaret Mary McVeigh, P.J.Ch. Plaintiff is only required to serve its response upon any party or parties who have filed written objections to this Order to Show Cause.

13. Plaintiff 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 9 days before the date this matter is scheduled to be heard.

14. The Plaintiff shall file proof of service of the Verified Complaint, this Order to Show Cause and all supporting documents with the Clerk of the Superior Court no later than 9 days before the return date of this matter.

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

Honorable Margaret Mary McVeigh, P.J.Ch.