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IN RE APPLICATION BY EMIGRANT MORTGAGE COMPANY, INC. TO ISSUE CORRECTED NOTICES OF INTENT TO FORECLOSE ON BEHALF OF IDENTIFIED FORECLOSURE PLAINTIFFS IN CERTAIN UNCONTESTED CASES	**SUPERIOR COURT OF NEW JERSEY** **CHANCERY DIVISION** **PASSAIC COUNTY** **DOCKET NO.: F-040843-13** **CIVIL ACTION** **FINAL ORDER**

THIS MATTER being brought before the Court by Knuckles, Komosinski & Elliott, LLP, attorneys for Petitioner, Emigrant Mortgage Company, Inc. ("Emigrant"), 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 on November 6, 2013, Certifications of Service filed by Knuckles, Komosinski & Elliott, LLP, the arguments of counsel heard on February 27, 2014, and all other documents submitted; and the Court having made the following findings of fact and conclusions of law:

1. This matter was appropriately commenced by Order to Show Cause as a summary proceeding pursuant to R. 4:67-2, as authorized by Chief Justice Rabner's April 4, 2012 Order, and the Honorable Margaret M. McVeigh, P.J.Ch., having entered an Order to Show Cause on November 21, 2013 setting a return date of February 27, 2014;

2. The Order to Show Cause directed to all Foreclosure Defendants listed on Exhibit A to the Verified Complaint to appear and show cause why the Court should not allow Emigrant to send new Notices of Intention to Foreclose. An updated Exhibit A is appended hereto and incorporated herein by reference reflecting the list of Foreclosure Defendants to whom corrective Notices of Intention to Foreclose were sent; and
3. The Order to Show Cause and supporting documents were served by Emigrant on each Foreclosure Defendant by regular and certified mail, return receipt requested, at the property address, last known in Emigrant's records and the address where service of process of the underlying foreclosure was effectuated, if different; and
4. One of the documents served on each Foreclosure Defendant was a new Notice of Intention to Foreclose that complies with the requirements of N.J.S.A. 2A:50-56;
5. Notice of this Order to Show Cause was published in the Star Ledger, the Bergen County Record, the Press of Atlantic City, and the Courier Post pursuant to the Order to Show Cause;
6. Foreclosure Defendants that were in an active bankruptcy, in which the provisions of the automatic stay were still in effect, were NOT served with a copy of the Order to Show Cause and supporting certifications; and
7. No individuals have timely submitted papers in response to this matter by the deadline to object.

THEREFORE, IT IS on this 28th day of May, 2014, ORDERED that all objections, untimely submitted, to the Order to Show Cause are hereby overruled for the reasons set forth on the record on February 27, 2014; and

IT IS FURTHER ORDERED that Emigrant's request to send new Notices of Intention to Foreclose on pre-final judgment foreclosure matters listed in Exhibit A to this Final Order is hereby GRANTED; and

IT IS FURTHER ORDERED that the Notices of Intention to Foreclose served in accordance with this Honorable Court's November 21, 2013 Order to Show Cause complied with the requirements of the Fair Foreclosure Act; and

IT IS FURTHER ORDERED that since more than thirty-five days have elapsed since the service of the new Notices of Intention to Foreclose, Emigrant may resume any foreclosure where the Foreclosure Defendant has not reinstated the loan, subject to any suspension or stay as a result of a bankruptcy filing or loss mitigation activity; and

IT IS FURTHER ORDERED that since the foreclosure defendant was involved in an active bankruptcy, Emigrant Mortgage Company, Inc. v. Robert Mauldin, et al (Docket No. F-057972-10) is hereby removed from this Order to Show Cause; and

IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of final judgment, upon the submission of an appropriate

application to enter judgment, on any foreclosure that was subject to this Order to Show Cause. Any previously filed motions for entry of final judgment that are pending review by the Office of Foreclosure are to be withdrawn and a spreadsheet is to be submitted to the Superior Court Clerk's Office listing the cases in which motions for entry of final judgment are being withdrawn and complete/updated motions for entry of final judgment (including CODIs) are to be filed on notice to the Foreclosure Defendants once the withdrawals are complete; and

IT IS FURTHER ORDERED that a copy of this Final Order shall be posted on the Judiciary Web Page at http://www.judiciary.state.nj.us in a searchable PDF format; and

IT IS FURTHER ORDERED that a copy of this Final Order, without Exhibits, will be published once before June 9, 2014 in the following four newspapers: (1) the Star Ledger; (2) the Bergen County Record; (3) the Press of Atlantic City; and (4) the Courier Post; and

IT IS FURTHER ORDERED that within seven days, Emigrant shall serve a copy of this Order, by regular mail, upon any party that has filed a written objection in this matter.

HON. MARGARET MARY MCVEIGH, P.J.Ch.