

KNUCKLES, KOMOSINSKI & ELLIOTT, LLP
565 Taxter Road, Suite 590
Elmsford, NY 10523
Tel: (914) 345-3020
Fax: (914) 366-0080
Attorneys for Emigrant Mortgage Company, Inc.

**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.:

**CIVIL ACTION
~~F-040843-13~~**

**VERIFIED COMPLAINT IN SUPPORT
OF SUMMARY ACTION**

Emigrant Mortgage Company, Inc. ("Emigrant"), authorized to act on behalf of the Foreclosure Plaintiffs in certain pending, pre-judgment uncontested foreclosure actions ("Foreclosure Plaintiffs"), brings this action 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"). Emigrant respectfully states as follows:

1. Emigrant is a foreign corporation and wholly-owned subsidiary of Emigrant Bank, a bank holding company.
2. Emigrant services mortgage loans for residential properties in New Jersey either through itself or on behalf of its affiliates, EMC, LLC n/k/a Emigrant Residential, LLC and ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC.
3. When Emigrant is the servicer of a loan, 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, Emigrant 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, Emigrant 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 Emigrant's systems of record. In cases in which Emigrant is only the servicer (and not also the lender), the lender is not likely to have possession of the relevant servicing information, as was recognized by the Supreme Court when it revised the Court Rules governing foreclosures at R. 4:64-1 and R. 4:64-2 in June, 2011. Emigrant makes this application to the Court on behalf of and pursuant to the authority granted to Emigrant as the servicing agent of Foreclosure Plaintiffs in pending foreclosure cases.

4. The identities of the Foreclosure Plaintiffs in the foreclosure cases for which Emigrant is seeking to issue corrected Notices of Intent are identified alphabetically in Count 1 and Count 2. Attached hereto as Exhibit A is the current list of pending, uncontested foreclosure cases that require corrected NOIs (collectively referred to hereafter as the "Corrected NOI List").

5. One of the duties of a servicer of a defaulted mortgage loan in New Jersey is to prepare and serve the Notice of Intent to Foreclose ("NOI"), in accordance with the applicable contracts and as required by N.J.S.A. 2A:50-56 of the Fair Foreclosure Act. The NOI is prepared based on current loan information held by Emigrant and includes,

among other data elements, 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 Fair Foreclosure Act requires strict adherence to the notice requirements set forth in N.J.S.A. 2A:50-56(c) for all NOIs. The Court further held that a 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. Following its decision in Guillaume, the Court entered the April 4th Order which authorizes the Honorable Margaret Mary McVeigh, P.J.Ch., Passaic Vicinage, and the Honorable Paul Innes, P.J.Ch., Mercer Vicinage, to entertain 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 4th Order further states that any corrected NOI must be accompanied by a letter to the Foreclosure Defendants setting forth the reasons why the corrected NOI is being served, the procedure to follow in the event a Foreclosure Defendant wishes to object to the NOI, the name of a person to contact with any

questions, and that the receipt of the corrected NOI allows Foreclosure Defendants 30 days¹ in which to object or to cure the default.

9. Emigrant has identified a population of foreclosure cases in which the previously served NOIs failed to include the name and/or address of the lender, as required by N.J.S.A. 2A:50-56(c)(11), and will therefore require a corrected NOI. Emigrant has also determined that some of the NOIs misidentified the name of the lender (*e.g.*, NOIs inaccurately referred to EMC, LLC as “EMC-LLC”). The Corrected NOI List was reviewed for accuracy to verify the status of the foreclosures, the effect of loss mitigation on pending foreclosures, whether there are relevant bankruptcy proceedings and whether, since the original NOIs were sent, there were intervening deaths of Foreclosure Defendants.

10. The Corrected NOI List attached as Exhibit “A” includes the portfolio of loans that are pre-judgment, uncontested foreclosures that Emigrant is servicing and in which deficient NOIs were served by Emigrant. Specifically, as directed by the Court in Guillaume and the April 4, 2012 Order, the Corrected NOI List includes a listing of:

- a. foreclosures that were filed on or before February 27, 2012 and which Emigrant is servicing the loans and acting as agent for a Foreclosure Plaintiff;
- b. in which final judgment has not been entered; and
- c. in which Emigrant 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 for each loan; (2) the abbreviated caption for each foreclosure action (including the first-named

¹ Emigrant will provide borrowers 35 days from the date of the corrected NOI, as reflected in the correspondence that will be sent to the borrowers.

defendant); (3) the foreclosure docket number; (4) whether the foreclosure is contested; and (5) a brief description of the deficiencies of each NOI.² Emigrant, the named Plaintiff in each of the foreclosure actions, is the servicer of each such loan, maintains the records for each such loan, and is responsible for mailing the corrected NOI pursuant to the relevant contracts with the Foreclosure Plaintiffs.

12. To comply with the April 4th Order, attached as Exhibit "B" to the Verified Complaint is the proposed form of letter ("Explanatory Letter") that Emigrant intends to send to each Foreclosure Defendant. In accordance with the Supreme Court in the April 4th Order, the proposed form of Explanatory Letter:

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

The corrected NOIs will exclude attorneys' fees and costs incurred in the pending foreclosure cases.

COUNT 1 - EMC, LLC N/K/A EMIGRANT RESIDENTIAL, LLC

13. Emigrant services residential mortgage loans in New Jersey for EMC, LLC n/k/a Emigrant Residential, LLC pursuant to an agreement between the parties.

² Because considerable time has passed since NOIs were originally sent in the foreclosure actions, the Foreclosure Plaintiff initially identified in the caption will not be the current correct entity that will be listed in the corrected NOI. For sake of clarity, the corrected NOI will list the current lender and lender's address and Emigrant will require that foreclosure counsel take appropriate steps to change the plaintiff in the affected foreclosure actions where required.

14. Identified as "Group 1" on the attached Exhibit "A" is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Emigrant for EMC, LLC n/k/a Emigrant Residential, LLC and in which Emigrant previously served a NOI that did not include the name and/or address of the lender.

COUNT 2 - ESB-B/W HOLDINGS, LLC N/K/A EMIGRANT RESIDENTIAL, LLC

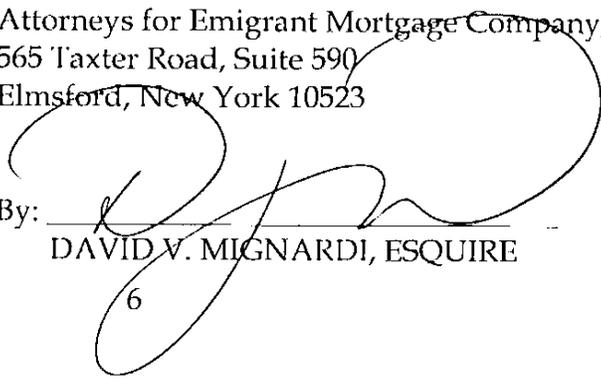
15. Emigrant services residential mortgage loans in New Jersey for ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC pursuant to an agreement between the parties.

16. Identified as "Group 2" on the attached Exhibit "A" is a list of the pending, uncontested foreclosures in New Jersey that are being serviced by Emigrant for ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC and in which Emigrant previously served a NOI that did not include the name and/or address of the lender.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order permitting Emigrant 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 lists on the Corrected NOI List and for such other and further relief as this Court deems just, proper, and equitable.

Dated: November 4, 2013

KNUCKLES, KOMOSINSKI & ELLIOTT, LLP.
Attorneys for Emigrant Mortgage Company, Inc.
565 Taxter Road, Suite 590
Elmsford, New York 10523

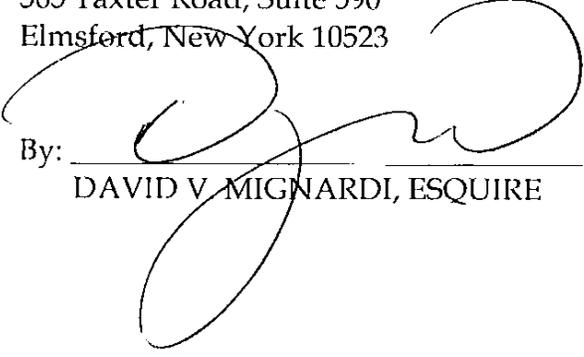
By: 
DAVID V. MIGNARDI, ESQUIRE

CERTIFICATION

I certify pursuant 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 attached hereto and any pleading, 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 who should be joined in this action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party based on the same transactional facts.

Dated: November 4, 2013

KNUCKLES, KOMOSINSKI & ELLIOTT, LLP.
Attorneys for Emigrant Mortgage Company, Inc.
565 Taxter Road, Suite 590
Elmsford, New York 10523

By: 

DAVID V. MIGNARDI, ESQUIRE

VERIFICATION

STATE OF NEW YORK :

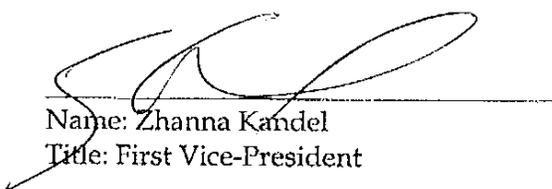
COUNTY OF NEW YORK :

I, Zhanna Kandel, being duly sworn states:

1. I am First Vice-President of Emigrant Mortgage Company, Inc., the applicant named in the foregoing Amended Verified Complaint.

2. The allegations in the Amended Verified Complaint are true to the best of my knowledge and belief.

3. The Exhibits attached to the Amended Verified Complaint are true and correct copies.


Name: Zhanna Kandel
Title: First Vice-President

Sworn to before me this
5th day of August, 2013


NOTARY PUBLIC

MARYANN MONTESERRATO
NOTARY PUBLIC, State of New York
No. 01MO8071158
Qualified in Kings County
Commission Expires March 11, 2014

EXHIBIT C

Emigrant Mortgage Company, Inc.
5 East 42nd Street
New York, New York 10017



[Current Date]

CERTIFIED MAIL: Return Receipt Requested and First Class Mail

[Mortgagor 1]
[Mortgagor 2]
[Mortgagor 3]
[Mailing Address]
[Mailing City, State ZIP]

Re: Order to Show Cause [Order to Show Cause]

Borrower Name: [Mortgagor 1]
[Mortgagor 2]
[Mortgagor 3]

Loan Number: [Loan Number]

Plaintiff Name in Foreclosure Action: Emigrant Mortgage Company, Inc.

Docket Number in Foreclosure Action: [Docket No.]

Dear [Mortgagor Name(s)]:

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 [month] [day], 2013, 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., Passaic Vicinage, gave permission to Emigrant Mortgage Company, Inc. to serve, along with the Order to Show Cause and Verified Complaint, 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 Emigrant Mortgage Company, Inc. is named the plaintiff.

The docket number for your foreclosure action may be found in the subject line of this letter.

Information About the Order to Show Cause and Verified Complaint

Enclosed with this letter is a copy of the Order to Show Cause and a copy of the Verified Complaint filed with the Order to Show Cause. The Verified Complaint identifies the following lenders in the following counts of the Verified Complaint:

1. EMC, LLC n/k/a Emigrant Residential, LLC
2. ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC

The Verified Complaint sent to you does not include the attachments. The Verified Complaint with attachments, which list the foreclosure actions in which the above-named entities are the lenders and in which Emigrant Mortgage Company, Inc. is the plaintiff, will be made available on the New Jersey Courts web site at <http://www.judiciary.state.nj.us/>.

Information About the Corrected Notice of Intention to Foreclose

Also enclosed with this letter is the corrected Notice of Intention to Foreclose. It allows you an additional 35 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.

With the passage of time since the foreclosure action was filed against you, the lender on your loan may have changed from the named 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

Should you have questions with regard to your loan or the corrected Notice of Intention to Foreclose, please contact:

Overnight/Regular Mail: Carlos Camacho
Emigrant Mortgage Company, Inc.
5 East 42nd Street
New York, New York 10017

Phone: (212) 850-4756 or 1-800-836-3752, ext. 4756.

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. The docket number for your foreclosure action may be found in the subject line of this letter.

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 on or before [*Objection file date*] at the following address:

Supreme 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, Knuckles, Komosinski & Elliott, LLP, at 565 Taxter Road, Suite 590, Elmsford, NY 10523, and mail a copy of the objection to Judge McVeigh at:

Superior Court of New Jersey
Passaic County Courthouse, Chambers 100
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 objection and serve it on the plaintiff's attorney if you want the court to hear your objection to the relief the 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 procedures 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 SCCOFForeclosure.Mailbox@judiciary.state.nj.us.

If you are represented by an attorney in your foreclosure case, you should notify him or

her that you received these papers. These papers are not being sent directly to your attorney if you have one.

If you cannot afford an attorney, you may apply for free legal assistance online at www.lsnjlaw.org or call the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529) or call the Legal Services office in the county where you live. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is enclosed.

Enclosures

- Copy of the Order to Show Cause;
- Copy of the Verified Complaint;
- Corrected Notice of Intention to Foreclose; and
- List of New Jersey State Bar Association Lawyer Referral Services or Legal Services Offices.

We are attempting to collect a debt, and any information obtained will be used for that purpose.

If you are represented by an attorney, please refer this letter to your attorney and provide us with the attorney's name, address, and telephone number.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, a secured party retains rights under its Security Instrument, including the right to foreclose its lien.

EXHIBIT B

Emigrant Mortgage Company, Inc.
5 East 42nd Street
New York, New York 10017



[Current Date]

CERTIFIED MAIL: Return Receipt Requested and First Class Mail

[Mortgagor 1]
[Mortgagor 2]
[Mortgagor 3]
[Mailing Address]
[Mailing City, State ZIP]

RE: *[Loan No.]*
 [Property Address]
 [If unit, Unit No.]
 [Property City, State ZIP]

Dear *[Mortgagor Name(s)]*:

NOTICE OF INTENTION TO FORECLOSE MORTGAGE

YOU SHOULD READ THIS DOCUMENT IMMEDIATELY!

Notice is hereby given that the mortgage made by Emigrant Mortgage Company, Inc., the current holder and servicer of the mortgage loan described below, and assigned to *[Plaintiff]*, the current owner of and lender under such mortgage loan, as identified below in Paragraph 1 is in default. Notice is being sent to you because the records of Emigrant Mortgage Company, Inc., the servicer of this loan, show that you are a person obligated to pay the obligation secured by the mortgage.

Emigrant Mortgage Company, Inc. intends to accelerate the maturity (due date) of the mortgage obligation and commence legal action, including foreclosure to take possession of the property and obtain a deficiency judgment against you, if allowed by applicable law and the facts of this matter.

This notice is being sent to you pursuant to Section 4 of the Fair Foreclosure Act. The information you are hereby put on notice of is as follows:

1(a). **The Obligation.** The particular obligation is a certain *[Adjustable Rate]* Note dated *[Loan Date]* given by *[Mortgagor(s)]* to Emigrant Mortgage Company, Inc. and assigned to *[Plaintiff]* in the principal sum of *[Loan Amount]* plus interest.

1(b). **Property to be Foreclosed.** The real estate given as security for the Adjustable Rate Note identified in Paragraph 1(a), above is:

Street Address: *[Address]*
City: *[City]*
State: New Jersey
Tax: Block: *[Block]* Lot: *[Lot]*

2. **Nature of Default.** The failure to make monthly payments of interest, principal, escrow payments, handling charges and late charges beginning

3. **Your Right to Cure the Default.** You have the right to cure the default as provided in Section 5 of the *Fair Foreclosure Act*. A copy of Section 5 of the *Fair Foreclosure Act* is attached to this letter.

4. **The Amount You Must Pay to Cure the Default.** In order to cure the default, you must pay to Emigrant Mortgage Company, Inc., on or before the date set forth in Paragraph 5, below the following sums of money:

Principal	\$/]
Interest	\$/]
Late Charges	\$/]
NG Charges	\$/]
Monthly Escrow	\$/]
Life Insurance	\$/]
Acc/Health Ins.	\$/]
Total	\$/]

This figure is the amount you must pay on *[Cure Date - 35 Days from Date of Letter]* to reinstate your mortgage loan. If you make the payment earlier than *[Cure Date - 35 Days from Date of Letter]*, call Carlos Camacho at 212-850-4756 or 1-800-836-3752, ext. 4756 to find out the amount which must be paid on such earlier date.

By reason of your default and pursuant to the Default Interest Rate Rider to your loan documents, your loan has been accruing interest at the rate of *[Current Interest Rate]* per year and this default interest rate shall continue until you cure the default.

5. **Timing of the Payment to Cure the Default.** In order to avoid the institution of foreclosure proceedings, you must pay the full amount set forth at Paragraph 4, above, no later than *[Cure Date - 35 Days from Date of Letter]*, and the person to whom the payment shall be made is:

Carlos Camacho
Emigrant Mortgage Company, Inc.
5 East 42nd Street
New York, New York 10017

6. **Your Failure to Cure the Default.** If you do not cure the default by the date specified in Paragraph 5, above, Emigrant Mortgage Company, Inc. may take steps to terminate your ownership in the property by commencing a foreclosure suit in a court of competent jurisdiction. Should a foreclosure suit be commenced, you will have the right to assert in the foreclosure proceedings the non-existence of a default or any other defense you may have to the acceleration or foreclosure.

7. **Additional Costs and Expenses You May Have to Pay.** If Emigrant Mortgage Company, Inc. takes steps as described in Paragraph 6, above, you shall have the right to cure the default pursuant to Section 5 of the *Fair Foreclosure Act*, but you shall be responsible for Emigrant Mortgage Company, Inc.'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.

8. **Transferring the Property.**

If this box is checked, you do NOT have the right to transfer the property described in Paragraph 1 to another person subject to the lender's mortgage.

If this box is checked, you DO have the right to transfer the property described in Paragraph 1 to another person subject to the lender's mortgage.

9. **You Should Confer With a Lawyer.** You are advised to seek counsel from an attorney of your own choosing concerning your residential 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 property securing the mortgage loan is located. If you are unable to afford an attorney, you may communicate with the Legal Services Office in the County in which the property is located. Attached to this letter is a statewide list of the Lawyer Referral Services and Legal Services Offices for each County, and the address and phone number of the New Jersey Bar Association.

10. **Possible Assistance.** You may be eligible for financial assistance for curing a default from programs operated by the State of New Jersey or the Federal Government or non-profit organizations. You may obtain the identity of any such programs or organizations from the State of New Jersey Commissioner of Banking at the following address and phone number:

Steven M. Goldman, Commissioner
Division of Banking
P.O. Box 040
Trenton, New Jersey 08625
(609) 292-7272

11. **Person You Should Contact At Emigrant.** If you disagree with Emigrant Mortgage Company, Inc.'s assertion that a default has occurred or the correctness of Emigrant Mortgage Company, Inc.'s calculation of the amount required to cure the default, you may contact the following authorized representative of the lender:

Carlos Camacho
Emigrant Mortgage Company, Inc.
5 East 42nd Street
New York, New York 10017
212-850-4756 or 1-800-836-3752, ext. 4756

Who is the representative of [Plaintiff]

5 East 42nd Street
New York, New York 10017

Partial payments may be credited to your account but will not cure outstanding defaults or affect [Plaintiff's] right to pursue the remedies referenced above. This letter is written without waiver of, or prejudice to, any of [Plaintiff's] rights or remedies.

Payment must be made in the form of a money order, personal check, or bank check. Business checks will not be accepted.

Very truly yours,

2A:50-57. Right to cure default; procedures

a. Notwithstanding the provisions of any other law to the contrary, as to any residential mortgage for which a notice of intentions to foreclose is required to be given pursuant to section 4 of this act(i), whether or not such required notice was in fact given, the debtor, or anyone authorized to act on the debtor's behalf, shall have the right at any time, up to the entry of final judgment or the entry by the office or the court of an order of redemption pursuant to subsection g. of section 11 of this act(ii), to cure the default, de-accelerate and reinstate the residential mortgage by tendering the amount or performance specified in subsection b. of this section. The payment or tender shall be made to the person designated in the notice pursuant to paragraph (5) of subsection c. of section 4 of this act. The debtor may exercise the right to cure a default as to a particular mortgage and reinstate that mortgage only once every 18 months, provided, however, that this limitation shall not apply if the mortgage debtor cures a default by the date specified in paragraph (5) of subsection c. of section 4 of this act. The 18-month time period shall run from the date of cure and reinstatement.

b. To cure a default under this section, a debtor shall:

(1) pay or tender to the person identified pursuant to paragraph (5) of subsection c. of section 4 of this act, in the form of cash, cashier's check, or certified check, all sums which would have been due in the absence of default, at the time of payment or tender;

(2) perform any other obligation which the debtor would have been bound to perform in the absence of the default or the exercise of acceleration clause, if any;

(3) pay or tender court costs, if any, and attorneys' fees in an amount which shall not exceed the amount permitted under the Rules Governing the Courts of the State of New Jersey; and

(4) pay all contractual late charges, as provided for in the note or security agreement.

c. To cure a default under this section, a debtor shall not be required to pay any charge, fee or penalty attributable to the exercise of the right to cure a default as provided for in this act.

d. Cure of a default reinstates the debtor to the same position as if the default had not occurred. It nullifies, as of the date of cure, any acceleration of any obligation under the mortgage, note or bond arising from the default.

e. If a default is cured prior to the filing of a foreclosure action, the lender shall not institute a foreclosure action for that default. If a default is cured after the filing of a foreclosure action, the lender shall give written notice of the cure to the court. Upon such notice, the court shall dismiss the action without prejudice.

f. The right to cure a default under this section is independent of any right of redemption or any other right or remedy under the common law, principles of equity, State or federal statute, or rule of court.

L.1995,c.244,s.5.

(i). NISA.s.2A:50-56

(ii). NISA.s.2A:50-63

Lists of Entities Providing Assistance

All Enclosures - All Notices of Intention to Foreclose - List of Entities Providing Assistance		
The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure.		
American Credit Alliance, Inc. 26 S. Warren St. Trenton, NJ 08608 609-393-5400	Atlantic Human Resources, Inc. 1 S. New York Ave. Atlantic City, NJ 08401 609-348-4131	Citizen Action (Offices statewide) 400 Main Street Hackensack, NJ 07601 1-800-NJ Owner 201-486-2804
Consumer Credit Counseling Service of Central New Jersey 1931 Nottingham Way Hamilton, NJ 08619 609-586-2574	Consumer Credit Counseling Service of Central New Jersey 253 Nassau Street Princeton, NJ 08540 609-924-2896	Consumer Credit Counseling Service of New Jersey 185 Ridgedale Ave. Cedar Knolls, NJ 07927-1812 973-267-4324
Fair Housing Council of Northern New Jersey 131 Main St. Hackensack, NJ 07601 201-489-3552	Garden State Consumer Credit Counseling, Inc. 225 Willowbrook Road Freehold, NJ 07728 1-800-992-4957	Housing Coalition of Central Jersey 78 New Street New Brunswick, NJ 08901 732-249-9700
Jersey Counseling & Housing Development, Inc. 29 S. Blackhorse Pike Blackwood, NJ 08012 856-227-3683	Jersey Counseling & Housing Development, Inc. 1840 S. Broadway Camden, NJ 08104 856-541-1000	Mercer County Hispanic Association 200 E. State St., 2nd Floor Trenton, NJ 08607 609-392-2446
Middlesex County Economic Opportunities Corporation 1215 Livingston Ave. North Brunswick, NJ 08902 732-790-3344	Monmouth County Human Services Housing Services Unit P.O. Box 3000 Freehold, NJ 07728 732-431-7998	Morris County Fair Housing Council 65 Spring Street Morristown, NJ 07963 973-338-2978
NJ Citizen Action (main office/financial education center) 744 Broad St., Suite 2080 Newark, NJ 07102 973-643-8800 1-800-NJ-OWNER (loan counseling) 1-888-TAXES-11 (free tax preparation assistance)	NJ Citizen Action (Central Jersey) 85 Raritan Ave., Suite 100 Highland Park, NJ 08904 732-246-4772	NJ Citizen Action (South Jersey) 2 Riverside Drive, Suite 362 Camden, NJ 08103 856-966-3091
Ocean Community Economic Action Now, Inc. 22 Myers St. Toms River, NJ 08753-0773 732-244-2351, ext. 2	Ocean Community Economic Action Now, Inc. 10 Washington Street Toms River, NJ 08753-0773 732-244-2351, ext. 14	Paterson Coalition for Housing, Inc. 262 Main St., 5th Floor Paterson, NJ 07505 973-684-5998
Paterson Task Force for Community Action, Inc. 155 Ellison St. Paterson, NJ 07505 973-279-2333	Puerto Rican Action Board Housing Coalition Unit 90 Jersey Ave. New Brunswick, NJ 08903 732-249-9700	Tri-County Community Action Agency, Inc. 110 Cohensy St. Bridgeton, NJ 08302 856-451-6330
Urban League for Bergen County 106 W. Palisade Ave. Englewood, NJ 07631 201-568-4988	Urban League for Essex County 508 Central Ave. Newark, NJ 07101 973-624-9535	Urban League of Union County 288 N. Broad St. Elizabeth, NJ 07208 908-351-7200
Homelessness Prevention Program New Jersey Department of Community Affairs (886) 889-6270*		

Court/Clerk/Legal Offices

Directory of Superior Court Deputy Clerk's Offices; County Lawyer Referral & Legal Services Offices

<p>ATLANTIC COUNTY: Deputy Clerk of the Superior Court Civil Division, Direct Filing 1201 Bncharach Blvd., First Fl. Atlantic City, NJ 08401 LAWYER REFERRAL (609) 345-3444 LEGAL SERVICES (609) 348-4200</p>	<p>CUMBERLAND COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Broad & Fayette Sts. P.O. Box 10 Bridgeport, NJ 08302 LAWYER REFERRAL (856) 692-6207 LEGAL SERVICES (856) 451-0003</p>	<p>MERCER COUNTY: Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 S. Broad Street, P.O. Box 8068 Trenton, NJ 08650 LAWYER REFERRAL (609) 585-6200 LEGAL SERVICES (609) 695-6249</p>	<p>SALEM COUNTY: Deputy Clerk of the Superior Court 92 Market Street P.O. Box 29 Salem, NJ 08079 LAWYER REFERRAL (856) 678-8363 LEGAL SERVICES (856) 451-0003</p>
<p>BERGEN COUNTY: Deputy Clerk of the Superior Court Civil Division, Room 115 Justice Center, 10 Main St. Hackensack, NJ 07601 LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166</p>	<p>ESSEX COUNTY: Deputy Clerk of the Superior Court Civil Customer Service Hall of Records, Room 201 465 Dr. Martin Luther King Jr. Blvd. Newark, NJ 07102 LAWYER REFERRAL (973) 622-6204 LEGAL SERVICES (973) 624-4500</p>	<p>MIDDLESEX COUNTY: Deputy Clerk of the Superior Court, Middlesex Voinago 2nd Floor - Tower 56 Paterson Street, P.O. Box 2635 New Brunswick, NJ 08903-2633 LAWYER REFERRAL (732) 828-0053 LEGAL SERVICES (732) 249-7600</p>	<p>SOMERSET COUNTY: Deputy Clerk of the Superior Court Civil Division P.O. Box 3000 40 North Bridge Street Somerville, N.J. 08876 LAWYER REFERRAL (908) 685-2323 LEGAL SERVICES (908) 231-0840</p>
<p>BURLINGTON COUNTY: Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake First Fl., Courts Facility 49 Rancocas Rd. Mt. Holly, NJ 08060 LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (800) 496-4570</p>	<p>GLOUCESTER COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Attn: Intake First Fl., Court House 1 North Broad Street, P.O. Box 750 Woodbury, NJ 08096 LAWYER REFERRAL (856) 848-4589 LEGAL SERVICES (856) 848-3360</p>	<p>MONMOUTH COUNTY: Deputy Clerk of the Superior Court Court House 71 Monument Park P.O. Box 1269 Freehold, NJ 07728-1269 LAWYER REFERRAL (732) 431-5544 LEGAL SERVICES (732) 866-0020</p>	<p>SUSSEX COUNTY: Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 383-7400</p>
<p>CAMDEN COUNTY: Deputy Clerk of the Superior Court Civil Processing Office Hall of Justice 1st Fl., Suite 150 101 South 5th Street Camden, NJ 08103 LAWYER REFERRAL (856) 964-4520 LEGAL SERVICES (856) 964-2010</p>	<p>RUDSON COUNTY: Deputy Clerk of the Superior Court Superior Court, Civil Records Dept. Brennan Court House--1st Floor 583 Newark Ave. Jersey City, NJ 07306 LAWYER REFERRAL (201) 798-2727 LEGAL SERVICES (201) 792-6363</p>	<p>MORRIS COUNTY: Morris County Courthouse Civil Division Washington and Court Streets P. O. Box 910 Morristown, NJ 07963-0910 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 265-6911</p>	<p>UNION COUNTY: Deputy Clerk of the Superior Court 1st Fl., Court House 2 Broad Street Elizabeth, NJ 07207-6073 LAWYER REFERRAL (908) 353-4715 LEGAL SERVICES (908) 354-4340</p>
<p>CAPE MAY COUNTY: Deputy Clerk of the Superior Court 9 N. Main Street Cape May Court House, NJ 08210 LAWYER REFERRAL (609) 463-0313 LEGAL SERVICES (609) 465-3001</p>	<p>HUNTERDON COUNTY: Deputy Clerk of the Superior Court Civil Division 65 Park Avenue Flomington, NJ 08822 LAWYER REFERRAL (908) 735-2611 LEGAL SERVICES (908) 782-7979</p>	<p>OCBAN COUNTY: Deputy Clerk of the Superior Court 118 Washington Street, Room 121 P.O. Box 2191 Toms River, NJ 08754-2191 LAWYER REFERRAL (732) 240-3666 LEGAL SERVICES (732) 341-2727 Rev. 10/2008, CN 10153-English Page 3</p>	<p>WARREN COUNTY: Deputy Clerk of the Superior Court Civil Division Office Court House 413 Second Street Belvidere, NJ 07823-1500 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (908) 475-2010 Rev. 10/2008, CN 10153-English</p>
		<p>PASSAIC COUNTY: Deputy Clerk of the Superior Court Civil Division Court House 77 Hamilton Street Paterson, NJ 07505 LAWYER REFERRAL (973) 278-9223 LEGAL SERVICES (973) 523-2900</p>	

SCHEDULE

LIST OF NEW JERSEY STATE BAR ASSOCIATION
LAWYER REFERRAL SERVICES OR LEGAL SERVICES OFFICES

New Jersey Bar Association - Tel. 908-249-5000

<u>LAWYER REFERRAL SERVICES</u>	<u>TELEPHONE NO.</u>
Atlantic County Bar Association	609-345-3444
Bergen County Bar Association	201-488-0044
Burlington County Bar Association	609-261-4862
Camden County Bar Association	856-964-4520
Cape May County Bar Association	609-463-0313
Cumberland County Bar Association	856-692-6207
Essex County Bar Association	973-622-6207
Gloucester County Bar Association	856-848-4589
Hudson County Bar Association	201-798-2727
Hunterdon County Bar Association	908-735-2611
Mercer County Bar Association	609-890-6200
Middlesex County Bar Association	732-828-0053
Monmouth County Bar Association	732-431-5544
Morris County Bar Association	973-267-5882
Ocean County Bar Association	732-240-3666
Passaic County Bar Association	973-278-9223
Salem County Bar Association	856-678-8363
Somerset County Bar Association	908-685-2323
Sussex County Bar Association	973-267-5882
Union County Bar Association	908-353-4715
Warren County Bar Association	973-267-5882

LEGAL SERVICES OFFICE

TELEPHONE NO

Atlantic County	609-348-4200
Bergen County	201-487-2166
Burlington County	609-261-1088
Camden County	856-964-1002
Cape May County	609-465-3001
Cumberland County	856-451-0003
Essex County	973-624-4500
Gloucester County	856-848-5360
Hudson County	201-792-6363
Hunterdon County	908-782-7979
Mercer County	609-695-6249
Middlesex County	732-249-7600
Monmouth County	732-747-7400
Morris County	973-285-6911
Ocean County	732-341-2727
Passaic County	973-345-7171
Salmon County	856-451-0003
Somerset County	908-231-0840
Sussex County	973-383-7400
Union County	908-354-4340
Warren County	973-475-2010

Legal Services of New Jersey, Inc. - Tel. 908-246-0770

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EXHIBIT A

Group 1

<u>Lender</u>	<u>Abbreviated Caption</u>	<u>Docket No.</u>	<u>Litigation</u>	<u>NOI Deficiencies</u>
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Maria Hensz, et al	F-11789-10	N	NOI did not contain name or address of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Gary Lagomarsino, et al	F-049725-10	N	NOI did not contain lender's address and misidentified name of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Charles D. Layer, et al	F-001002-12	N	NOI did not contain lender's address and misidentified name of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Juana Monteagudo, et al	F-052916-10	N	NOI did not contain lender's address and misidentified name of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Manuel Morales, et al	F-006745-11	N	NOI did not contain lender's address and misidentified name of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Vitora Paljusevic, et al	F-034795-10	N	NOI did not contain name or address of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Diony Perez, et al	F-8863-11	N	NOIs did not contain lender's address and misidentified names of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Pasquale Pontoriero, et al	F-039159-10	N	NOI did not contain lender's address and misidentified name of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Premier Acquisitions, LLC, et al	F-019653-10	N	NOI did not contain name or address of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Elaine C. Sheey, et al	F-008862-11	N	NOI did not contain lender's address and misidentified name of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Ronald Ulak, et al	F-24624-10	N	NOI did not contain name or address of lender
EMC, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Anne G. Ward, et al	F-37752-10	N	NOI did not contain lender's address and misidentified name of lender

Group 2

<u>Lender</u>	<u>Abbreviated Caption</u>	<u>Docket No.</u>	<u>Litigation</u>	<u>NOI Deficiencies</u>
ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Roberta Mauldin et al	F-057972-10	N	NOI did not contain lender's address and misidentified name of lender
ESB-B/W Holdings, LLC n/k/a Emigrant Residential, LLC	Emigrant Mortgage Company, Inc. v. Vincent Morelli, et al	F-26536-10	N	NOI did not contain name or address of lender

