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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.: CIVIL ACTION ORDER TO SHOW CAUSE

THIS MATTER being brought before the Court by Knuckles, Komosinski & Elliott, LLP, attorneys for Emigrant Mortgage Company, Inc. ("Emigrant"), authorized to act on behalf of Foreclosure Plaintiffs in pending foreclosure cases in New Jersey, seeking relief by way of summary action for an Order permitting Emigrant to issue corrected Notices of Intent to Foreclose ("NOI") to the defendant mortgagors and/or parties obligated on the debt ("Foreclosure Defendants") in the pending, pre-judgment, uncontested foreclosure cases listed on the Exhibit "A" to the Verified Complaint ("Corrected NOI List") to include the name and address of the lender, and based upon the New Jersey Supreme Court's decision in US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the implementing Order of the New Jersey Supreme Court dated April 4, 2012, and for good cause shown;

It is on this 21st day of November 2013 **ORDERED** that the Foreclosure Defendants whose names appear on the Corrected NOI List may appear before the

Superior Court at the Passaic County Courthouse, 71 Hamilton Street, Paterson, New Jersey at 10 o'clock in the AM noon or as soon thereafter as counsel can be heard, on the 27th day of February, 2014, to object to this Court's Order allowing Emigrant to issue corrected NOIs pursuant to this Order to Show Cause;

AND IT IS FURTHER ORDERED THAT FOR EACH FORECLOSURE ACTION IN WHICH EMIGRANT ISSUES A CORRECTED NOI TO A FORECLOSURE DEFENDANT:

1. Emigrant will issue a letter ("Explanatory Letter") to each Foreclosure Defendant in the form attached as Exhibit "C" to the Verified Complaint. The Explanatory Letter will explain:

- 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 individuals to contact with any questions; and
- their right to object to the corrected NOI or their right to cure the default within 35 days of the date of the corrected NOI.

2. Emigrant will issue a corrected NOI in the form attached as Exhibit "B" to the Verified Complaint and shall attach such NOI to the Explanatory Letter referenced in paragraph 1 above. The corrected NOI will exclude attorneys' fees and foreclosure costs that have been incurred in the pending foreclosure cases. In accordance with the servicing guidelines and as required by N.J.S.A. 2A:50-56(e), the Explanatory Letter and corrected NOI will be sent by Emigrant, the servicing agent.

3. Emigrant will serve the corrected NOI, the Explanatory Letter, the Verified Complaint without exhibits, and a copy of this Order to Show Cause

(collectively, the "OSC Package"), via certified mail, return receipt requested, and regular mail at the last known address of the Foreclosure Defendant. For purposes of this Order to Show Cause, Emigrant may serve each marital couple residing at the same address with one OSC Package via certified mail and regular mail.[1] **The OSC Package shall be mailed within 45 days from the date of this Order.**

4. A copy of Emigrant's complete application to this Court shall be loaded onto the New Jersey Courts website within 5 days of the date of this Order where it will be available for review by the general public at the website link – http://judiciary.state.nj.us/. **All attachments provided in searchable PDF Files.**

5. In addition to providing service of the OSC Package by certified and regular mail, Emigrant will, within 2 days prior to **January 31, 2014**, provide publication notice two (2) times in each of the following four (4) daily newspapers in a manner consistent with similar legal notices **Star Ledger; Bergen County Record; Press of Atlantic City; and the Courier Post.**

6. Emigrant shall file with the Court its proof of service of the OSC Package on Foreclosure Defendants on the Corrected NOI List in the manner consistent with this Order no later than nine (9) days before the return date.

7. You [Foreclosure Defendants] have the right to object in this proceeding to this Order to Show Cause (the process by which this Court gave Emigrant permission to serve the corrected NOI). To do so, you must file a written objection under the docket number listed on the first page of this Order for this case. You must set forth with

[1] In the event Emigrant has been provided an address for the estate of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator, if known and available.

specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address on or before **February 10, 2014.**

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 serve a copy of the objection on Emigrant's attorneys, Knuckles, Komosinski & Elliott, LLP, 565 Taxter Road, Suite 590, Elmsford, New York 10523 and mail a copy of your objection to Judge McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505.

8. You [Foreclosure Defendants] also have the right to object to the corrected NOI that you will receive. You will also have 35 days from service of the OSC Package to cure your default. If you object to any of the contents of your corrected NOI, you must file written objection under the docket number for your foreclosure action. 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 or by calling the Emigrant representative listed on the Explanatory Letter that will be sent with the corrected NOI. You must set forth with specificity the basis for your objection and file your objection with the Superior Court Clerk's Office at the following address on or before **February 10, 2014:**

Superior Court Clerk's Office, Foreclosure Processing Services
P.O. Box 971
Trenton, New Jersey 08625

You must also serve a copy of the objection on Emigrant's attorneys, Knuckles, Komosinski & Elliott, LLP, 565 Taxter Road, Suite 590, Elmsford, New York 10523, and

mail a copy of your objection to Honorable Margaret Mary McVeigh at the Superior Court of New Jersey, Passaic County Courthouse, Chambers 100, 71 Hamilton Street, Paterson, New Jersey 07505.

9. Emigrant may file and serve any written reply to your opposition papers received by February 20, 2014. The reply papers must be filed with the Clerk of the Superior Court in Mercer County, with a copy to Judge McVeigh and to each Foreclosure Defendant who filed an opposition.

10. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided with the corrected NOI.

11. A proposed form of order addressing the relief sought on the return date (along with a self-addressed stamped return envelope with the return address and postage) must be submitted to the Court by Emigrant no later than nine (9) days before the return date.

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

13. In the event a foreclosure action has been suspended or stayed as a result of a bankruptcy filing or loss mitigation activity, the OSC Package shall not be sent unless and until the suspension or stay is lifted. In such circumstances, the following procedure shall be used. Emigrant shall mail the OSC Package within 45 days of the lifting of the stay or suspension of the foreclosure action. You [Foreclosure Defendants] will have 35 days in which to object to the corrected NOI or cure your default. Any objections to the relief set forth in this Order to Show Cause shall be made in writing to the Court in the County in which your foreclosure action is pending. You must also

serve a copy of your written papers to Emigrant's attorneys, Knuckles, Komosinski & Elliott, LLP, 565 Taxter Road, Suite 590, Elmsford, New York 10523, or the Court handling your foreclosure action will not be able to consider your objection.

HON. MARGARET MARY MCVEIGH, P.J.Ch