

File No. 15431-0001

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**FILED Sep 23, 2013**

Attorneys for Franklin Credit Management Corporation

**IN RE SPECIAL SUMMARY ACTION  
AUTHORIZED BY ORDER OF THE  
NEW JERSEY SUPREME COURT  
DATED APRIL 4, 2012 BY  
FRANKLIN CREDIT MANAGEMENT  
CORPORATION TO ISSUE  
CORRECTED NOTICES OF INTENT  
TO FORECLOSE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
PASSAIC COUNTY  
DOCKET NO. 014720-13

CIVIL ACTION

**THIS MATTER** being brought before the Court by Parker McCay P.A., attorneys for Franklin Credit Management Corporation ("Franklin"), seeking relief by way of summary action pursuant to the Order of the New Jersey Supreme Court dated April 4, 2012 for an Order permitting Franklin to issue corrected Notices of Intent to Foreclose ("NOI") together with a letter of explanation to the borrowers/defendants identified in the pending, prejudgment, uncontested foreclosure case identified in Exhibits A-1 through A-2 to the Verified Complaint (hereinafter the "Subject Borrowers"), and based upon the New Jersey Supreme Court's decision in US Bank, N.A. v. Guillaume, 209 N.J. 449 (2012), the Supreme Court of New Jersey's Order of April 4, 2012, and for other good cause shown;

It is on this 23rd **September** day of 2013 **ORDERED** that the Subject Borrowers may appear and show cause before The Honorable Margaret Mary McVeigh, P.J.Ch., of the

Superior Court of New Jersey, Chancery Division, ~~X~~ Hamilton Street, Passaic County,

Paterson New Jersey at 2:00 o'clock ~~am~~/p.m. on the 9th day of January, 2014,

at \_\_\_\_\_ to object to this Court's Order allowing

Franklin to issue corrected NOIs pursuant to this Order to Show Cause.

**AND IT IS FURTHER ORDERED THAT FOR EACH FORECLOSURE  
ACTION IN WHICH FRANKLIN ISSUES A CORRECTED NOI:**

1. Franklin shall issue a letter of explanation in the format attached to the Verified Complaint as "D". The letter of explanation shall explain (a) the reasons why the corrected NOI is being served; (b) the procedure to follow in the event the Subject Borrowers wish to object to the NOI; (c) the individuals to contact with any questions; and (d) the Subject Borrowers' 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. Franklin shall issue a corrected NOI in the format attached to the Second Amended Verified Complaint as Exhibit "C", and shall attach to said NOI the letter of explanation referenced in paragraph one (1) above. The corrected NOI shall exclude attorneys' fees and foreclosure costs that have been incurred in the Subject Borrowers' pending foreclosure cases.

3. Franklin shall serve the corrected NOI, letter of explanation, Second Amended Verified Complaint, and a copy of this executed Order to Show Cause (the "OSC Package") via certified mail, return receipt requested and regular mail at the last known address of the Subject Borrowers within 45 days from the date of this Order<sup>1</sup>.

<sup>1</sup> In the event Franklin has been provided an address for the state of a deceased Foreclosure Defendant, the OSC Package shall be mailed to the address of the estate and/or the executor or administrator, in known and available.

4. A copy of Franklin's complete application to this Court shall be loaded on the New Jersey Courts website within 5 days of the date of this Order where it shall be available for review by the general public at the website link:

<http://www.judiciary.state.nj.us/>. All attachments shall be provided in searchable PDF files.

5. In addition to providing service of the OSC Package as required by paragraph three (3) above, Franklin shall provide publication notice two (2) times in each of the following daily publications: (1) The Newark Star Ledger; (2) The Bergen Record; (3) the Courier Post; and (4) The Press of Atlantic City. Publication notices shall be completed on or before **November 22**, 2013.

6. Within 9 days of the return date identified herein, Franklin shall file a proof of service of the OSC Package pursuant to paragraph three (3) above and proof of publication notice pursuant to paragraph five (5) above with this Court;

7. You, the Subject Borrowers, have the right to object in this proceeding to this Order to Show Cause (the process by which the Court gave Franklin or its designee 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 to Show Cause. You must set forth with specificity the basis for your objection and file your objection on or before **December 20**, 2013 with:

The Clerk of the Superior Court, 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 your written objection on Franklin's attorney, Christopher M. Howard, Esquire of Parker McCay P.A., 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New Jersey 08054-1539 and mail a copy of your written

objection to the Honorable Margaret Mary McVeigh, P.J. Ch. at ~~X~~<sup>71</sup> Hamilton Street, room  
~~100~~<sup>100</sup>, Paterson, NJ 07505.

8. You, the Subject Borrowers, also have the right to object to the corrected NOI that you will receive. You also have the right, within thirty-five (35) days of service of the OSC Package, to cure your payment default. If you object to any of the contents of your corrected NOI, you must file written objection under the docket number of your foreclosure action. If you are uncertain of the docket number for your foreclosure action, you can access that information on the Court's website as noted in paragraph four (4) above (specifically, see Exhibit "A" to the Verified Complaint) or by calling Franklin's representative listed on the letter of explanation contained in the OSC Package. You must set forth with specificity the basis for your objection and file your objection on or before December 20, 2013 with:

The Clerk of the Superior Court, Foreclosure Processing Services  
P.O. Box 971  
Trenton, New Jersey 08625

You must also serve a copy of your written objection on Franklin's attorney, Gene R. Mariano, Esquire of Parker McCay P.A., 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New Jersey 08054-1539 and mail a copy of your written objection to Judge McVeigh at the Superior Court of New Jersey **Passaic County Courthouse, Chambers 100, 71 Hamilton St., Paterson, NJ 07505**

9. Franklin may file and serve written reply to any opposition papers filed by the Subject Borrowers on or before December 30, 2013. Any such reply papers shall be made in writing and the original documents must be filed with the Clerk of the Superior Court in Mercer County, New Jersey with a copy timely provided to Judge

the Superior Court of New Jersey,  
Passaic County Courthouse,  
Chambers 100,  
71 Hamilton Street, New Jersey

McVeigh at 07505 and to each Subject Borrower who

filed opposition.

10. If you can not 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 in the OSC Package.

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

12. This Court will entertain argument, but not testimony, on the return date identified herein.

13. In the event a foreclosure action identified in Exhibits A-1 through A-3 to the Verified Complaint 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 procedures shall be used. Franklin or its designee shall mail the OSC Package within 45 days of the lifting of the suspension or stay of the foreclosure action. You, the Subject Borrowers, shall have 35 days in which to object to the corrected NOI or 35 days from service of the OSC Package to cure your payment 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 objection on Franklin's attorney, Gene R. Mariano, Esquire of Parker McCay P.A., 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New

Jersey 08054-1539, or the Court handling your foreclosure action will not be able to consider your objection.

  
J.S.C.