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Paul Innes, P.J.Ch

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IN RE NOTICES OF INTENTION TO FORECLOSE SENT BY SETERUS, INC	:	**SUPERIOR COURT OF NEW JERSEY**
	:	**CHANCERY DIVISION**
		MERCER COUNTY
	:	**DOCKET NO. F-020651-13**
	:	**CIVIL ACTION**
	:	**ORDER TO SHOW CAUSE SUMMARY PROCEEDING PURSUANT TO R. 4:67-2**

THIS MATTER being brought before the Court by **SETERUS, INC.,** ("the Servicer" or "Seterus"), in pending foreclosure cases ("the Foreclosures"), by and through counsel, Pluese, Becker & Saltzman, LLC, Rob Saltzman, Esquire, appearing, pursuant to the April 4, 2012 Order of the New Jersey Supreme Court (the "April 4th Order") and based upon the facts and circumstances described in the Verified Complaint filed herewith and incorporated herein by reference, including defined terms; and the Court having determined that this matter is appropriately 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 **27th** day of **June**, 2013,

ORDERED that Foreclosure Defendants identified in Exhibit "A" of the Verified Complaint (the "Remediated NOI List") appear and show cause on the **3rd** day of **October**, 2013 before the Honorable Paul Innes, P.J.Ch., Superior Court, Mercer County, Chancery Division, at 175 South Broad Street, Trenton, NJ 08650 at **2:00** o'clock (the "Hearing"), why a Final Order/Judgment should not be entered as follows:

A. Allowing the Servicer to send Remediated Notices of Intention to Foreclose (the "Remediated NOIs"), affording Foreclosure Defendants at least thirty (30) days from the date the Remediated NOI is mailed to cure the default on their Mortgage without attorneys' fees or costs incurred in the pending Foreclosure; and

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

IT IS FURTHER ORDERED that:

1. Plaintiff shall serve upon each Foreclosure Defendant a complete package (the "OTSC Package") consisting of a conformed copy of this Order To Show Cause, Verified Complaint without Exhibits, Supporting Certification, Letter Memorandum, Explanatory Letter and Remediated NOI.

2. Service of the OTSC Package shall be effectuated by simultaneous certified mail, return receipt requested, and regular mail to the subject Mortgaged Property's address and the Foreclosure Defendant's last known address if different. In the event of a deceased Foreclosure Defendant, the OTSC Package will be mailed to the Address of the Estate if known or available.

3. A copy of this Order To Show Cause and Verified Complaint shall be posted on the Judiciary's Web Page at the following link: http://www.judiciary.state.nj.us within **21** days from the date of entry of this OTSC where it can be viewed by the general public.

4. The Plaintiff will file proof of service of the OTSC Package no later than nine (9) days before the Hearing Date.

5. Regarding any Foreclosure Defendant involved in a Bankruptcy case wherein the Automatic Stay enjoins prosecution of the Foreclosure,

    a. The Servicer may serve a copy of this Order to Show Cause and Verified Complaint, but may defer serving a Remediated NOI if it believes that doing so may violate the Automatic Stay.

    b. If the Court grants final relief on the return date of this Order To Show Cause and the Servicer has not already sent a Remediated NOI, then the Servicer may send the Remediated NOI once the Automatic Stay is vacated, modified or otherwise inapplicable. In the alternative, Plaintiff may apply to the United States Bankruptcy Court for relief from the Automatic Stay to effectuate service of the Remediated NOI pursuant to this Order.

    c. In the event that the Servicer does not serve a Remediated NOI with this Order To Show Cause, Plaintiff's Foreclosure action may not proceed until such Remediated NOI is served pursuant to this Court's Order and the time provided therein to cure the default has passed without the default having been cured.

d. If the Servicer believes that service of this Order To Show Cause may be a violation of the Automatic Stay, then once the Stay is vacated, modified or otherwise no longer enjoins service of a Remediated NOI, then the Servicer may send an OTSC Package to the Foreclosure Defendant(s) and the Foreclosure(s) may proceed where more than 35 days have passed after such OTSC Package was sent without the default having been cured. Plaintiff shall not be required to file another Order To Show Cause to Remediate NOIs at issue in Foreclosures subject to the Automatic Stay.

6. Plaintiff shall publish legal notices of this OTSC on at least two days prior to **August 12, 2013** in the following newspapers:

a. Star Ledger
b. Bergen Record
c. The Press of Atlantic City
d. The Gloucester County Times

7. The Court will only entertain objections (the "Objections") to the process provided for by the April 4th Order. Any Party 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
Attn: Objection to Notice of Intention to Foreclose
25 Market Street
P.O. Box 971
Trenton, New Jersey 08625-0971

A copy of the Objection must also be sent to:

Honorable Paul Innes, P.J.Ch.
Mercer County Civil Courts Building
175 South Broad Street

Trenton, NJ 08650-0068

A copy of the Objection must also be served upon the attorney for the Plaintiff:

Rob Saltzman, Esquire
Pluese, Becker & Saltzman, LLC
20000 Horizon Way, Suite 900
Mt. Laurel, New Jersey 08054

Objections must state with specificity the basis for the Objection and must be filed no later than **August 26,** _____, 2013.

8. Any objection regarding a particular Remediated NOI in a particular Foreclosure case must be filed in writing under the Docket Number of that particular Foreclosure action, NOT this Order To Show Cause. Any such 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 particular Remediated NOI will be referred for resolution to the Chancery Judge in the Vicinage where the Mortgaged Property is located.

9. Foreclosure Defendants are hereby informed that a telephone call to the Plaintiff, to the Plaintiff's attorney, to the Servicer, to the Superior Court Clerk's Office, or to this Court, will not protect your rights nor constitute a valid Objection; you must file and serve your written Objection as provided for by 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 office 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 written Objection is properly filed and served, the Plaintiff's written reply (the "Reply") shall be filed and served by **September 9**, 2013. A copy of the Reply, if any, shall be served upon the Clerk of Superior Court, with a courtesy copy to the Honorable Paul Innes, P.J.Ch. The Reply need only be served upon the particular Foreclosure Defendant who properly filed and served his/her/their Objection.

12. Plaintiff shall submit to the Court an original and two copies of a proposed form of Final Order/Judgment incorporating the relief sought no later than **9** days before the Hearing.

13. The Plaintiff shall file a Certificate of Service of the Verified Complaint, this Order to Show Cause and all supporting documents with the Clerk of Superior Court no later than nine (9) days before the Hearing.

14. The Court will entertain argument, but not testimony, at the Hearing, unless the Court otherwise directs.

By The Court,

Hon. Paul Innes, P.J.Ch.