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MERCER COUNTY
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JAN 24 2014

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IN RE SPECIAL SUMMARY ACTION
AUTHORIZED BY ORDER OF THE
NEW JERSEY SUPREME COURT DATED
APRIL 4, 2012 BY EMIGRANT MORTGAGE
COMPANY, INC. TO ISSUE CORRECTED
NOTICES OF INTENT TO FORECLOSE

:SUPERIOR COURT OF NEW JERSEY
:CHANCERY DIVISION
:MERCER COUNTY
:
: DOCKET NO. MER-F-035539-13
:
: **FINAL ORDER**
:

THIS MATTER being brought before the Court by the law firm of Richard A. Epstein, P.C., attorneys for Emigrant Mortgage Company, Inc. ("Emigrant"), seeking relief by way of summary action as set forth in Chief Justice Stuart Rabnor's April 4, 2012 Order and based upon the facts set forth in the Verified Complaint filed October 4, 2013, the Certification of Richard A. Epstein, Esq. and all other documents submitted; and this Court having made the following findings of facts and conclusions of law:

1. This matter was commenced by Order to Show Cause as a summary proceeding pursuant to R.4:67-2, in accordance with Chief Justice Rabner's April 4, 2012 Order, and the Honorable Paul Innes, P.J.Ch. having entered an Order to Show Cause on October 18, 2013, setting a return date of January 24, 2014; and
2. The Order to Show Cause provided that all Foreclosure Defendants listed on Exhibit "B" of the Verified Complaint ("Exhibit B") appear and show cause why this Court should not allow Emigrant to send new Notice of Intention to Foreclose; and

3. The Order to Show Cause and supporting documents were served by Plaintiff on each Defendant by regular and certified mail, return receipt requested, at the property address and mailing address, 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; and

5. None of the defendants were or are in active bankruptcy; and

6. There being no objections to the relief sought by the Plaintiff;

IT IS ORDERED on this ¹²24 day of *January* 2014, that the Plaintiff's request to send new Notices of Intention to Foreclose on pre-judgment foreclosure matters listed in Exhibit B is hereby GRANTED; AND

IT IS FURTHER ORDERED that since more than thirty (30) days have elapsed since the service of the new Notices of Intention to Foreclose, Plaintiff may resume any foreclosure listed on Exhibit B where the Defendant has not reinstated the loan; and

IT IS FURTHER ORDERED that the Office of Foreclosure is authorized to process and recommend entry of final judgment, upon the submission of appropriate application to enter judgment, on any foreclosure that was subject to this Order to Show Cause; and

IT IS FURTHER ORDERED that as to the Foreclosure Matter listed on Exhibit B, entitled Emigrant Mortgage Company, Inc. v. Wollack, et als., Camden County, Docket No. F-23644-10, wherein Final Judgment was entered on September 25, 2013, and the borrower/homeowner, Antoinette Wollack was served with the Order to Show Cause, Verified Complaint and new Notice of Intention to Foreclose, and has failed to reinstate the loan or to object to the relief sought by Plaintiff in this matter, and in accordance with the decision of the

New Jersey Supreme Court in U.S. Bank, N.A. v. Guillaume, 209 N.J. 449 (202), said Final Judgment is hereby confirmed; and

IT IS FURTHER ORDERED that a copy of the Final Order shall be posted on the Judiciary Web Page at <http://www.judiciary.state.nj.us>.

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 in any Foreclosure that was subject to the 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 completed/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 within seven (7) days, Plaintiff shall serve a copy of this Order, by regular mail, upon any party that has filed a written objection in this matter



HONORABLE PAUL INNES, P.J.CH.