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HARINDER SINGH,

Defendant-Appellant,

v.

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCAF ACQUISITION TRUST V. HARINDER SINGH AND MRS. HARINDER SINGH, HIS WIFE; RAVINDER KAUR; BELINDA M COMBS; STATE OF NEW JERSEY; TOWNE LAKE HOMEOWNERS ASSOCIATION A/K/A TOWNE LAKE EAST HOMEOWNERS AS

Plaintiff-Respondent.

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BRIEF AND  
FOR  
APPELLANT HARINDER SINGH

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HARINDER SINGH  
90 Main Street #1091, Sayreville, NJ 08872  
APPELLANT

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SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-000754-24  
CIVIL ACTION  
ON APPEAL FROM  
SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, MIDDLESEX COUNTY

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## PRELIMINARY STATEMENT

This appeal arises from a foreclosure action initiated by U.S. Bank Trust National Association, Not in Its Individual Capacity But Solely as Owner Trustee for RCAF Acquisition Trust (“Plaintiff”), against Defendant-Appellant Harinder Singh and others. Throughout the proceedings below, Defendant-Appellant, appearing pro se, raised substantial jurisdictional, constitutional, and procedural objections that were either inadequately addressed or wholly ignored by the trial court.

The trial court granted a Final Judgment of Foreclosure on October 28, 2024, despite multiple motions submitted by Defendant-Appellant raising defects in service, insufficiencies in the pleadings, improper issuance of default, and violations of the Fair Foreclosure Act. Motions to dismiss and to vacate the default were denied repeatedly without a hearing, often with perfunctory references to plaintiff’s papers, even when material factual disputes remained unaddressed. A key issue — Plaintiff’s failure to prove service by certified mail of the Notice of Intention to Foreclose as mandated by statute — was never properly resolved on the record.

Moreover, Defendant-Appellant challenged the standing of the Plaintiff, the legitimacy of the assignments, and the inconsistent representations made in the affidavits of due diligence and service. Defendant also raised questions concerning the Office of Foreclosure's jurisdiction, the alleged defective summons, and the lack of notice or hearing at several critical junctures.

Eventually, and notably, the Final Judgment and Writ of Execution were vacated by order dated February 20, 2025, acknowledging an "amicable settlement" — yet no clear evidence of such settlement was ever produced or confirmed by Defendant-Appellant. This vacatur introduces further ambiguity into the procedural posture of the case and strengthens the argument that the trial court's prior orders lacked finality and were based on an unreliable foundation.

For all these reasons, and as further detailed herein, the Appellate Division should reverse the orders denying dismissal and vacatur, vacate the Final Judgment in its entirety, and remand for full reconsideration of the underlying procedural and constitutional violations that compromised Defendant-Appellant's right to due process.

## PROCEDURAL HISTORY

Plaintiff filed a foreclosure complaint in the Superior Court of New Jersey, Chancery Division, Middlesex County, on March 27, 2023. (Pa1–Pa6). Defendant-Appellant Harinder Singh filed a motion to dismiss the complaint on April 23, 2023, which was denied by order dated May 12, 2023. (Pa7–Pa8).

Plaintiff requested entry of default, which was entered on June 1, 2023. Defendant-Appellant subsequently filed a motion to vacate the default on June 19, 2023, which was denied on July 7, 2023. (Pa9–Pa12). A second motion to vacate the default was filed on July 8, 2023, and denied by order dated August 4, 2023. (Pa13–Pa20).

On July 4, 2024, Defendant-Appellant filed a renewed motion to dismiss, raising jurisdictional, statutory, and constitutional arguments. That motion was also denied by order entered on August 2, 2024. (Pa21–Pa35). Thereafter, the Office of Foreclosure entered a Final Judgment of Foreclosure on October 28, 2024, and issued a writ of execution the same day. (Pa36–Pa38). Notices of judgment and sale were filed on October 29, 2024. (Pa39–Pa40).

Plaintiff submitted certifications of mailing on December 23, 2024, and January 7, 2025, which Defendant-Appellant disputes. (Pa41–Pa45).

In response to continued defects and unresolved issues, Defendant-Appellant served multiple sets of interrogatories, filed additional objections, and filed a timely Notice of Appeal on January 13, 2025. (Pa46–Pa55).

### **STATEMENT OF FACTS**

On March 27, 2023, Plaintiff U.S. Bank Trust National Association, Not in Its Individual Capacity But Solely as Owner Trustee for RCAF Acquisition Trust filed a foreclosure complaint in the Middlesex County Chancery Division. (Pa1–Pa6). The complaint alleged default on a mortgage loan relating to the property located at 10 Unkel Court, Sayreville, New Jersey, and named Harinder Singh, Ravinder Kaur, Belinda Combs, the State of New Jersey, and Towne Lake Homeowners Association as defendants.

Shortly thereafter, on April 23, 2023, Defendant-Appellant Harinder Singh filed a motion to

dismiss the complaint for lack of standing, improper party identification, and failure to demonstrate valid service under the Fair Foreclosure Act. (Pa1–Pa6). The motion was denied on May 12, 2023, without oral argument. (Pa7–Pa8).

On June 1, 2023, Plaintiff requested default, which was entered administratively. (Pa36–Pa37).

Defendant filed a motion to vacate the default on June 19, 2023, asserting he was not served a copy of the summons and complaint in compliance with court rules and asserting defenses including improper service and failure to comply with statutory notice requirements. (Pa9–Pa10).

The motion was denied on July 7, 2023. (Pa11–Pa12).

A second motion to vacate default was filed on July 8, 2023, raising additional procedural defects, including lack of certified mailing of the Notice of Intention to Foreclose and inconsistencies in the affidavit of service. (Pa13–Pa15). That motion was denied by Judge McCloskey on August 4, 2023. (Pa16–Pa20).

On July 4, 2024, Defendant-Appellant submitted a renewed motion to dismiss, arguing the entire action was void for lack of jurisdiction, violation of the Eleventh Amendment, and

statutory noncompliance under the Fair Foreclosure Act. (Pa21–Pa31). The court denied that motion as well on August 2, 2024. (Pa32–Pa35).

Plaintiff proceeded to obtain a Final Judgment of Foreclosure from the Office of Foreclosure on October 28, 2024, and a writ of execution was issued the same day. (Pa36–Pa38). Notices of foreclosure judgment and sale were then filed and mailed. (Pa39–Pa40). However, Plaintiff failed to attach proof of certified mailing of the required Notice of Intention to Foreclose, as mandated by N.J.S.A. 2A:50-56, and instead submitted two certifications of mailing in December 2024 and January 2025 which lack clarity and proper attachments. (Pa41–Pa45).

In the months that followed, Defendant-Appellant issued interrogatories concerning the foreclosure sums, certified mailing details, and identities of the parties to the so-called “amicable settlement” referenced in a court docket note. (Pa46–Pa49). A second set of interrogatories was served in February 2025 specifically requesting proof of service and whether Plaintiff’s claims were already satisfied, waived, or otherwise resolved. (Pa50–Pa51).

Surprisingly, the court entered an Order Vacating the Final Judgment and Writ of Execution

on February 20, 2025, citing an "amicable settlement" between the parties. (Pa52–Pa53).

However, Defendant-Appellant had never agreed to any settlement, nor was any settlement agreement ever disclosed or signed. No monetary or non-monetary terms were presented or confirmed.

Having exhausted motions and objecting repeatedly to the court's failure to rule on key statutory and constitutional issues, Defendant-Appellant filed a Notice of Appeal on January 13, 2025, to preserve his claims of procedural due process violations, improper entry of default and judgment, jurisdictional overreach, and lack of verified service. (Pa54–Pa55).

## **LEGAL ARGUMENT**

### **I. THE TRIAL COURT ERRED BY ENTERING DEFAULT AND FINAL**

### **JUDGMENT WITHOUT PROOF OF COMPLIANCE WITH THE**

### **CERTIFIED MAILING REQUIREMENT UNDER THE FAIR**

### **FORECLOSURE ACT**

(Raised Below: Pa9–Pa10, Pa13–Pa15, Pa21–Pa31)

The Fair Foreclosure Act (FFA), codified at N.J.S.A. 2A:50-56, requires that before initiating foreclosure, lender must mail a Notice of Intention to Foreclose (NOI) to the borrower by certified mail, return receipt requested, at least 30 days before filing a foreclosure complaint. This requirement is jurisdictional in nature, and strict compliance is mandatory. See *U.S. Bank Nat’l Ass’n v. Guillaume*, 209 N.J. 449, 476 (2012) (“The NOIF is a condition precedent to the filing of a foreclosure complaint.”).

In this case, Plaintiff did not provide the required USPS proof of certified mailing. The record includes no green card, no postmarked receipt, and no certification from a mailing employee. When Defendant raised this issue in multiple motions (Pa9–Pa10, Pa13–Pa15, Pa21–Pa31), the court denied relief without requiring Plaintiff to cure the defect or hold a factual hearing. (Pa11–Pa12, Pa16–Pa20, Pa32–Pa35).

The certifications of mailing submitted in December 2024 and January 2025 (Pa41–Pa45) occurred after judgment had already been entered and do not establish compliance with the FFA's pre-complaint notice requirement. These late, unauthenticated documents lack any USPS confirmation and are insufficient under the statute.

This defect is not merely technical — the Appellate Division recently reversed a final foreclosure judgment on identical grounds. In *Deutsche Bank Nat’l Tr. Co. v. Purohit*, Docket No. A-2822-20 (App. Div. Oct. 4, 2022), the court held that submitting an NOI with only a printed certified mail number, without actual USPS proof or a return receipt, does not satisfy the FFA. The judgment in *Purohit* was declared void under Rule 4:50-1(d), and the foreclosure complaint was ordered dismissed without prejudice. The court emphasized that “partial compliance” by using certified mail without the return receipt-requested option does not satisfy the statutory requirement. *Id.* at 10–11.

Here too, Plaintiff’s failure to produce any evidence of certified mailing, and the trial court’s failure to adjudicate the issue, violated both the FFA and Defendant-Appellant’s right to due process. As in *Purohit*, the trial court lacked jurisdiction to enter judgment, and reversal is required.

Accordingly, this Court should vacate the final judgment and remand with instructions to dismiss the foreclosure complaint for failure to comply with N.J.S.A. 2A:50-56(b).

**II. THE TRIAL COURT ERRED IN ENTERING DEFAULT AND FINAL  
JUDGMENT DESPITE UNRESOLVED DEFECTS IN SERVICE AND LACK**

**OF PERSONAL JURISDICTION OVER DEFENDANT-APPELLANT**

(Raised Below: Pa9–Pa10, Pa13–Pa15, Pa21–Pa31, Pa46–Pa51)

A court may not enter default or final judgment unless it has first acquired proper personal jurisdiction over a defendant. Proper service of process is essential to confer that jurisdiction.

As the New Jersey Supreme Court has held, “[j]udgments entered without valid service are void.” *Berger v. Paterson Veterans Taxi Serv.*, 244 N.J. Super. 200, 204 (App. Div. 1990); see also *Pressler & Verniero*, Current N.J. Court Rules, Comment 1 on R. 4:4-4.

In this matter, Defendant-Appellant consistently contested service from the earliest stages of the litigation. Defendant’s motion to vacate default filed on June 19, 2023, specifically raised the issue that Plaintiff had not provided proof of proper personal service or any certified mail documentation evidencing delivery of the Summons and Complaint. (Pa9–Pa10). Plaintiff failed to respond with an affidavit of personal service or any supporting exhibits — and the court denied the motion without making factual findings. (Pa11–Pa12).

In a second motion to vacate, filed on July 8, 2023, Defendant expanded his objections by

noting the lack of USPS tracking, no green card return, and Plaintiff's inconsistent use of "SEE ATTACHED" labels in its proof-of-service filings. (Pa13–Pa15). These service deficiencies were never resolved by the court, which again summarily denied relief. (Pa16–Pa20).

Despite these ongoing objections and without holding an evidentiary hearing, the court proceeded to enter Final Judgment on October 28, 2024, followed by issuance of a writ and notices of execution. (Pa36–Pa40). This was improper. Where material facts about service remain in dispute, a hearing is required. See *Jameson v. Great Atl. & Pac. Tea Co.*, 363 N.J. Super. 419, 426–27 (App. Div. 2003) ("Failure to conduct a hearing when required is reversible error.").

Defendant's interrogatories dated February 2025 reiterated requests for the identities of parties served, details of mailing, and proof of receipt — especially given the court's reliance on a claim of "amicable settlement" to vacate judgment without evidence of actual notice, agreement, or representation by Defendant. (Pa50–Pa51). No responses were ever furnished.

By failing to resolve these jurisdictional and procedural objections — and instead granting and

vacating judgment with no factfinding — the trial court denied Defendant-Appellant the opportunity to meaningfully defend the case. Such an action offends both the rules of court and basic due process principles. See *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 86–87 (1988) (judgment entered without proper service is a denial of due process).

Accordingly, the judgment must be reversed for lack of jurisdiction based on insufficient service and unresolved factual disputes, and the matter must be remanded for a full evidentiary hearing on service.

**III. THE TRIAL COURT ERRED IN DENYING DEFENDANT’S MOTIONS**  
**WITHOUT CONDUCTING A HEARING OR MAKING FACTUAL**  
**FINDINGS, THEREBY VIOLATING DUE PROCESS**

(Raised Below: Pa9–Pa10, Pa13–Pa15, Pa21–Pa31)

Trial courts in New Jersey are required to provide a meaningful opportunity for litigants to be heard and to make specific findings of fact and conclusions of law when ruling on contested motions. See *Raspantini v. Arocho*, 364 N.J. Super. 528, 531 (App. Div. 2003) (“A trial court must make specific

findings of fact and conclusions of law in support of its decisions.”); Rule 1:7-4(a). This principle is especially critical in default or foreclosure proceedings, where a defendant may lose a home or face severe

financial harm based on procedural defaults.

In this case, Defendant-Appellant Harinder Singh filed at least three substantive motions raising service, jurisdictional, and statutory objections:

- First Motion to Dismiss (Pa1–Pa6)
- Motion to Vacate Default (Pa9–Pa10)
- Second Motion to Vacate and Renewed Motion to Dismiss (Pa13–Pa15; Pa21–Pa31)

Each of these motions was denied summarily without oral argument, a hearing, or issuance of specific factual findings on the record. (Pa7–Pa8, Pa11–Pa12, Pa16–Pa20, Pa32–Pa35). In several rulings, the court merely cited Plaintiff's opposition papers or entered blanket denials, even though Defendant raised specific, factual disputes concerning certified mail, party identity, and the legitimacy of the judgment process.

The court's failure to address these arguments — or even acknowledge their existence in the orders — constitutes reversible error. See *Mills v. Ethicon, Inc.*, 472 N.J. Super. 297, 313 (App. Div. 2022) (held that unexplained denial of relief warrants remand where trial court failed to state its reasoning).

Moreover, these were not ministerial issues — Defendant-Appellant had raised constitutional concerns, service violations, lack of proof under the Fair Foreclosure Act, and challenged the jurisdiction of the Office of Foreclosure to enter judgment absent valid service or standing.

Additionally, the court vacated the Final Judgment on February 20, 2025 (Pa52–Pa53), citing an “amicable settlement” that was never signed, documented, or confirmed by Defendant-Appellant.

When Defendant subsequently sought interrogatory responses regarding the settlement and party identities, no clarification was issued. (Pa50–Pa51). The court's failure to resolve this contradiction — and its refusal to hold even a brief hearing — deprived Defendant-Appellant of procedural due process guaranteed under *New Jersey v. Daniel.G.*, 239 N.J. 563, 580 (2019).

Where motions are factually contested, especially in default or judgment contexts, courts must permit oral argument or hold an evidentiary hearing. See *Cho Hung Bank v. Kim*, 361 N.J. Super. 331, 337 (Ap.

Div. 2003) (“Where credibility is at issue or there are disputed material facts, a hearing is required.”).

Here, the failure to do so resulted in rulings that rest on an incomplete and disputed record, tainting the fairness of the entire process.

The Appellate Division should reverse the orders denying Defendant’s motions and remand the matter with instructions that a hearing be held on the service, notice, jurisdiction, and standing issues raised below.

**IV. THE PLAINTIFF LACKED STANDING TO FORECLOSE AND FAILED  
TO AUTHENTICATE THE NOTE OR CHAIN OF TITLE**

(Raised Below: Pa1–Pa6, Pa13–Pa15, Pa21–Pa31)

Standing is a threshold jurisdictional requirement in foreclosure actions. A plaintiff must demonstrate that it is the holder or assignee of both the note and mortgage at the time the complaint is filed.

Without such proof, the court lacks jurisdiction to adjudicate the claim. See *Bank of N.Y. v. Raftogianis*, 418 N.J. Super. 323, 350–51 (Ch. Div. 2010); *Deutsche Bank Nat’l Tr. Co. v. Mitchell*, 422 N.J. Super. 225–26 (App. Div. 2011).

In this case, Plaintiff failed to attach an endorsed note, failed to provide an authenticated assignment history, and did not demonstrate that it was the true party in interest at the time of filing. Defendant Appellant consistently denied executing any such documents and contested their authenticity in his sworn motions. (Pa13–Pa15, Pa21–Pa31).

The foreclosure complaint and final judgment were based on documents labeled as Exhibit A (Note) and Exhibit B (Mortgage), which lacked endorsements, witness signatures, or certification. (See Def\_3\_with\_Simple\_Page\_Numbers\_Cleaned.pdf at Pa95–Pa96, Pa183–Pa184). No custodian of records or third-party affiant appeared to authenticate these instruments. This omission violates both New Jersey evidentiary rules and the substantive foreclosure requirements.

Moreover, the record contains conflicting reinstatement quotes from Selene Finance LP and Plaintiff's own counsel, with a discrepancy of nearly \$10,000. (See *infra* Point V). Such inconsistencies further cast doubt on Plaintiff's claim of ownership, control, or accurate accounting of the alleged debt.

The court's entry of final judgment without requiring proof of standing or authentication was a fundamental error. The Appellate Division should reverse the judgment and remand for a full

evidentiary hearing on Plaintiff's standing and the validity of the alleged debt instruments.

**V. CONTRADICTORY REINSTATEMENT FIGURES SUBMITTED BY**  
**PLAINTIFF SUGGEST FRAUD OR MATERIAL MISREPRESENTATION**

**UNDER RULE 4:50-1(c)**

(Raised Below: Pa50–Pa51)

Plaintiff and its agents submitted two materially conflicting reinstatement quotes for the same mortgage account, both purporting to represent the amount necessary to reinstate the loan as of January 30, 2025. One quote, submitted by Selene Finance LP, listed the reinstatement amount as \$192,231.36, while a separate quote from Plaintiff's counsel, Kathleen M. Magoon, declared the amount due as \$202,068.55. The discrepancy of nearly \$10,000 was never explained or reconciled by Plaintiff. (Pa50–Pa51).

These conflicting figures raise significant concerns about the accuracy and reliability of Plaintiff's accounting — particularly given that the amounts were submitted under certification and in support of judicial action. If both numbers were submitted to the court or opposing parties in reliance, then either

one or both figures were materially false or misleading. Such conduct constitutes fraud or misrepresentation under Rule 4:50-1(c), which permits relief from judgment where false information was used to procure a default or final ruling.

The New Jersey courts have repeatedly recognized that courts may set aside judgments where evidence suggests material inconsistencies in financial data presented to support foreclosure. See *Deutsche Bank Nat'l Tr. Co. v. Russo*, 429 N.J. Super. 91, 100–01 (App. Div. 2012); *Indymac Bank, FSB v. Hyman*, No. A1743-10T4, 2011 WL 4908827, at \*2 (App. Div. Oct. 17, 2011).

Here, Plaintiff not only failed to justify the variance but withheld documents and ignored interrogatories requesting clarification. (Pa50–Pa51). This supports the inference of intentional omission or reckless disregard for truth — either of which warrants reversal or vacatur under Rule 4:50-1(c) or (f).

In a case where the court relied upon sworn submissions to assess the balance due, this degree of discrepancy casts doubt on the entire financial foundation of the foreclosure and undermines the integrity of the judgment entered.

## **VI. THE SERVICE AFFIDAVITS CONTAIN MATERIAL DEFICIENCIES**

**AND UNDERMINE JURISDICTION OVER DEFENDANT AND OTHER**

**NAMED PARTIES**

(Raised Below: Pa9–Pa10, Pa13–Pa15, Pa21–Pa31)

Proper service of process is the cornerstone of personal jurisdiction, and a foreclosure judgment entered without valid service is void. *Berger v. Paterson Veterans Taxi Serv.*, 244 N.J. Super. 200, 204 (App. Div. 1990); Rule 4:4-4. Service affidavits submitted in this case reveal multiple internal inconsistencies, contradictory identifiers, and in some instances, clearly false descriptions of the person allegedly served.

A particularly egregious example is the affidavit describing personal service on an individual named Prosper, wherein the process server reports delivering documents to a person who is:

- Female
- Between 21–35 years old
- 5'0"–5'3" in height
- Weighing 100–130 pounds

This description is plainly inconsistent with Prosper Saintphard, a named male defendant, reportedly over 40 years old and of entirely different stature. The affidavit offers no explanation or correction, and this misidentification rebuts the presumption of valid service. (See Def\_3\_with\_Simple\_Page\_Numbers\_Cleaned.pdf, Point VIII).

In *Davis v. DND/Fidoreo, Inc.*, 317 N.J. Super. 92, 100 (App. Div. 1998), the court held that such material inconsistencies defeat the facial sufficiency of a proof of service and support vacating judgment under Rule 4:50-1(d) and (f). See also *M & D Assocs. v. Mandara*, 366 N.J. Super. 341, 352 (App. Div. 2004) (reversing default judgment where defendant raised credible challenge to service, and trial court failed to conduct a hearing).

The presence of inaccurate, conflicting, and facially implausible service affidavits in this case—combined with the trial court’s failure to conduct a hearing—renders the judgment void.

Moreover, similar issues affect service affidavits for Harinder Singh, “Mrs. Harinder Singh,” Ravinder Kaur, and others, many of which were labeled “SEE ATTACHED” with no actual attachment included. (Pa13–Pa15, Pa21–Pa31).

Because the service affidavits are materially deficient and jurisdiction over key parties is unproven, the foreclosure judgment is jurisdictionally unsound and must be vacated.

**VII. PLAINTIFF’S COMPLAINT FAILS TO STATE A CLAIM UPON  
WHICH RELIEF CAN BE GRANTED UNDER RULE 4:6-2(e)**

(Raised Below: Pa1–Pa6, Pa13–Pa15, Pa21–Pa31)

A foreclosure complaint must set forth sufficient factual allegations to establish the plaintiff’s right to relief. Conclusory statements unsupported by specific facts or documents cannot withstand scrutiny under the applicable legal standards. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Printing Mart-Morristown v. Sharp Elecs. Corp.*, 116 N.J. 739, 746 (1989).

Here, Plaintiff’s complaint is legally insufficient because it:

- Fails to allege with specificity how or when the note was transferred;
- Omits any proof of assignment or endorsement from Wells Fargo to Plaintiff;

- Does not attach a valid certification of debt or a Prosper affidavit to establish ownership;

- Includes only conclusory references to default without accounting for reinstatement, dispute, or waiver.

Defendant-Appellant repeatedly objected to these deficiencies in motions to dismiss and vacate.

(Pa1–Pa6, Pa13–Pa15, Pa21–Pa31). Despite these objections, the trial court never required

Plaintiff to amend the complaint, supplement the record, or cure the pleading defects.

New Jersey courts apply the Iqbal/Twombly standard in evaluating foreclosure pleadings. In *Roa*

v. *Roa*, 200 N.J. 555, 562 (2010), the Supreme Court reaffirmed that factual allegations must be

plausible, not merely possible. A plaintiff must allege how it came to own the loan, who

transferred it, and when — especially in securitized or trustee-based foreclosure matters.

In this case, Plaintiff named itself as a trustee “not in its individual capacity,” which adds further

ambiguity as to whether it had authority to file suit. The complaint never identified the real

party in interest under Rule 4:26-1, nor did it specify if Fannie Mae, a private trust, or another

investor ultimately held the note. These omissions render the complaint deficient and incapable of supporting a judgment.

Because Plaintiff's complaint lacks the factual basis required under Rule 4:6-2(e), and the trial court failed to address those deficiencies, the foreclosure judgment must be reversed.

**VIII. PLAINTIFF'S IMPROPER JOINDER OF A FICTITIOUS "MRS. HARINDER SINGH" CONSTITUTES A JURISDICTIONAL DEFECT AND DUE PROCESS VIOLATION**

(Raised Below: Pa1–Pa6, Pa13–Pa15)

Plaintiff's foreclosure complaint listed "Mrs. Harinder Singh, his wife" as a co-defendant, even though no such party exists. The designation appears to have been made without reasonable inquiry and with no supporting documentation of marital interest, title, or possession. Plaintiff subsequently dismissed this fictitious party without filing a motion or explanation on the record, further compounding the confusion. (Pa1–Pa6).

Improper joinder of fictitious or misidentified parties can give rise to jurisdictional defects, especially in foreclosure proceedings where title and notice rights are closely scrutinized. Under Rule 4:26-4, fictitious names may only be used where the actual identity of the party is unknown after diligent inquiry. Plaintiff offered no certification that it attempted such inquiry, nor did it state why the fictitious spouse was included at all.

The misnaming and unexplained removal of a fictitious party creates uncertainty about whether all necessary or interested persons were joined, served, or given opportunity to respond. This procedural flaw affects the validity of the judgment, especially where Plaintiff claims to foreclose on “any marital interest” in the property without identifying an actual spouse or marital deed interest.

Furthermore, inclusion of a fictitious party creates the risk of inconsistent judgments or title defects, particularly if the individual was never notified or legally recognized as a party. Courts have repeatedly held that precision in party designation is essential for valid foreclosure judgments. See *Claypotch v. Heller, Inc.*, 360 N.J. Super. 472, 479 (App. Div. 2003) (“A misnamed or improperly joined party may deprive the court of authority to enter a valid judgment.”).

Given the absence of a verified relationship, proper inquiry, or procedural justification, the fictitious naming of “Mrs. Harinder Singh” constitutes a procedural and jurisdictional error, and further supports reversal of the judgment below.

### CONCLUSION

For the reasons set forth above, Defendant-Appellant Harinder Singh respectfully requests that this Honorable Court:

1. Reverse the Final Judgment of Foreclosure entered on October 28, 2024 (Pa36–Pa37),  
and
2. Vacate the Writ of Execution and all subsequent enforcement proceedings based on that judgment (Pa38–Pa40), and
3. Remand the matter with instructions to dismiss the foreclosure complaint without prejudice for failure to comply with statutory requirements, due process, and jurisdictional prerequisites.

Plaintiff failed to establish standing, submitted materially deficient service affidavits, and did not

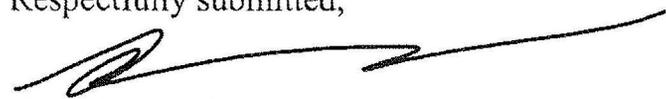
demonstrate compliance with the mandatory notice requirements of the Fair Foreclosure Act.

The trial court compounded these violations by denying Defendant-Appellant's motions without hearing or findings, in disregard of fundamental rights.

The Appellate Division recently reversed a final foreclosure judgment in Deutsche Bank Nat'l Tr. Co. v. Purohit, Docket No. A-2822-20, on nearly identical grounds, and that outcome should guide this Court here.

Accordingly, the foreclosure judgment must be reversed in the interest of justice, and the matter remanded for proceedings consistent with due process, Rule 4:50-1, and the statutory requirements of the Fair Foreclosure Act.

Respectfully submitted,



Harinder Singh

Defendant-Appellant, pro se

06/03/2025