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This opinion shall not "constitute precedent or be binding upon any court."  
Although it is posted on the internet, this opinion is binding only on the  
parties in the case and its use in other cases is limited. R.1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-2002-15T4

HOMEBRIDGE FINANCIAL  
SERVICES, INC.,

Plaintiff-Respondent,

v.

TELLY TRAWICK and MRS. TELLY  
TRAWICK, wife of TELLY TRAWICK,

Defendant-Appellant.

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Submitted March 21, 2017 – Decided March 31, 2017

Before Judges Koblitiz and Sumners.

On appeal from Superior Court of New Jersey,  
Chancery Division, Essex County, Docket No.  
F-023990-14.

Telly Trawick, pro se appellant.

KML Law Group, P.C., attorneys for respondent  
(Jaime R. Ackerman, of counsel and on the  
brief).

PER CURIAM

In this foreclosure action, defendant Telly Trawick appeals  
from an April 24, 2015 order granting summary judgment in favor  
of plaintiff Homebridge Financial Services, Inc. On November 23,

2015, final judgment against defendant was entered in the amount of \$247,143.15. We affirm substantially for the reasons expressed by Chancery Judge Donald A. Kessler in his eleven-page written opinion issued with the order.

We provide a brief summary of the facts and procedural history. On September 30, 2010, defendant executed a note in the amount of \$217,076, secured by a mortgage with Bond Street Mortgage, L.L.C. (BMS). On December 1, 2013, defendant defaulted on the note and mortgage by failing to make a payment due and all subsequent payments due. Plaintiff, as assignee from Mortgage Electronic Registration Systems, Inc., nominee for BMS, filed a foreclosure complaint on June 13, 2014. Defendant filed a contesting answer on July 21.

On February 23, 2015, plaintiff's motion to reform the mortgage to include a complete legal description of the subject property was granted. Plaintiff thereafter filed a summary judgment motion. Defendant opposed and cross-moved to dismiss the complaint. Following oral argument on April 24, Judge Kessler issued an order granting summary judgment and a written opinion explaining his reasoning.

We review the disposition of a summary judgment motion de novo, applying the same standard used by the chancery judge. Rowe v. Mazel Thirty, LLC, 209 N.J. 35, 41 (2012) (citing Henry v. N.J.

Dep't of Human Servs., 204 N.J. 320, 330 (2010)). We consider, as the chancery judge did, whether "the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party." Town of Kearny v. Brandt, 214 N.J. 76, 91 (2013) (quoting Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995)); see also R. 4:46-2(c). The only material issues "in a foreclosure action are the validity of the mortgage, the amount of the indebtedness, and the right of the mortgagee to resort to the mortgaged premises." U.S. Bank Nat'l Ass'n v. Curcio, 444 N.J. Super. 94, 112-13 (App. Div. 2016) (quoting Sun NLF Ltd. P'ship v. Sasso, 313 N.J. Super. 546, 550 (App. Div.), certif. denied, 156 N.J. 424 (1998)).


Defendant argues that plaintiff did not have standing to bring the foreclosure complaint because it did not have possession of the note or an assignment of the mortgage prior to filing the complaint. He also contends that the mortgage assignment and the notice of intention to foreclose were defective and invalid. Finding that defendant failed to raise a genuine issue of material fact, Judge Kessler found that plaintiff was entitled to summary judgment as it had possession of the note and the assignment at the time of filing the complaint. We conclude that Judge Kessler's

decision is fully supported by the record and that defendant's arguments require no further discussion in a written opinion. R.

2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

  
CLERK OF THE APPELLATE DIVISION