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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-1031-16T3

DEUTSCHE BANK TRUST COMPANY,
as Trustee for New Century Home
Equity Loan Trust, Series 2005-
B, Asset Backed Pass-Through
Certificates,

Plaintiffs-Respondents,

v.

PAUL T. PERSADIE, STEPHEN
PERSADIE, TAMIKA PERSADIE,

Defendants-Appellants.

Submitted November 29, 2017 – Decided February 12, 2018

Before Judges Koblitiz and Manahan.

On appeal from Superior Court of New Jersey,
Chancery Division, Essex County, Docket No.
F-029733-13.

Paul T. Persadie, appellant pro se.

Duane Morris, LLP, attorneys for respondent
(Brett L. Messinger and Stuart I. Seiden, of
counsel and on the brief).

PER CURIAM

In this residential foreclosure case, Paul T. Persadie appeals from an October 6, 2016 final judgment in favor of Deutsche Bank Trust Company Americas (Deutsche). Persadie did not file an answer to the foreclosure complaint, although given the opportunity to do so after his motion to dismiss the complaint was denied. He opposed the entry of final judgment, arguing that Deutsche lacked standing to foreclose because it was not the holder of the note and, without specificity, that the amount due was incorrect. On appeal, Persadie argues that Deutsche bank did not present sufficient proof of its standing to foreclose. Because Deutsche obtained an assignment of the mortgage prior to filing the foreclosure complaint and also had possession of the note, we affirm.

Persadie obtained an adjustable rate mortgage in the amount of \$159,750 on August 12, 2005, which was recorded on September 6, 2005. Persadie defaulted on February 1, 2013. The mortgage was assigned to Deutsche on June 18, 2013. Deutsche filed the foreclosure complaint on August 21, 2013 and an amended complaint on December 12, 2014, correcting the address. Deutsche attached a certified copy of the assignment of mortgage and a certified copy of the note to its application for final judgment.


In Deutsche Bank National Trust Co. v. Mitchell, 422 N.J. Super. 214, 225 (App. Div. 2011), "we held that either possession

of the note or an assignment of the mortgage that predated the original complaint conferred standing." Deutsche Bank Tr. Co. Ams. v. Angeles, 428 N.J. Super. 315, 318 (App. Div. 2012) (emphasis added).

This court has been informed that appellant filed a Petition for Chapter 13 Bankruptcy on July 25, 2017. The filing of this petition operates, under 11 U.S.C.A. § 362, as an automatic stay of actions and proceedings against the debtor. Due to the automatic stay provision, this court lacks jurisdiction to consider the merits of this appeal. Therefore, this appeal is dismissed without prejudice and without costs. Any party may move for reinstatement of this appeal, without costs, if the Bankruptcy Court lifts the automatic stay or allows for the prosecution of this appeal, or after the bankruptcy proceedings are complete.

Dismissed.

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


CLERK OF THE APPELLATE DIVISION