

**NOT FOR PUBLICATION WITHOUT THE  
APPROVAL OF THE APPELLATE DIVISION**

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-4581-17T1**

**FREEDOM MORTGAGE  
CORPORATION,**

Plaintiff-Respondent,

v.

**DWAYNE R. SMITH,**

Defendant-Appellant.

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Submitted January 29, 2019 – Decided February 20, 2019

Before Judges Rothstadt and Gilson.

On appeal from Superior Court of New Jersey,  
Chancery Division, Union County, Docket No. F-  
009024-12.

Dwayne R. Smith, appellant pro se.

Pluese, Becker & Saltzman, LLC, attorneys for  
respondent (Stuart H. West, on the brief).

PER CURIAM

In this foreclosure action, defendant Dwayne R. Smith presents his third appeal from orders entered by the Chancery Division after the 2013 entry of the final judgment in favor of plaintiff, Freedom Mortgage Corporation, and the sale of the real property at a sheriff's sale. Defendant was evicted from the property in 2014. Since then, he filed two earlier appeals challenging various post-judgment orders entered by the Chancery Division. We rejected his arguments and affirmed. See Freedom Mortg. Corp. v. Smith, No. A-2369-13 (App. Div. Dec. 8, 2015) and Freedom Mortg. Corp. v. Smith, No. A-3741-15 (App. Div. July 21, 2017).

In the present matter, defendant appeals from the Chancery Division's April 27, 2018 order denying his fourth motion to vacate the final judgment. The order was entered by Judge Joseph P. Perfilio, who placed his reasons for denying the motion on the record on the same date.

On appeal, defendant argues that the judge's denial of his motion was an abuse of discretion because, contrary to the judge's decision, defendant presented sufficient evidence that plaintiff reinstated the subject loan in 2018 and that the United States Department of Housing and Urban Development required plaintiff to modify its original terms.

We have considered defendant's arguments in light of the record and applicable legal principles and conclude that they are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). We discern no abuse of discretion and affirm substantially for the reasons expressed by Judge Perfilio in his thorough decision.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION