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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-5740-17T3**

DITECH FINANCIAL, LLC,

Plaintiff-Respondent,

v.

ANIBAL ALCANTARA,

Defendant-Appellant.

Submitted May 30, 2019 - Decided June 13, 2019

Before Judges Reisner and Mawla.

On appeal from Superior Court of New Jersey,
Chancery Division, Essex County, Docket No. F-
016051-09.

Anibal Alcantara, appellant pro se.

RAS Citron, LLC, attorneys for respondent (Micah C.
Pakay, on the brief).

PER CURIAM

Defendant Anibal Alcantara appeals from a July 23, 2018 order which denied his motion to vacate a default final judgment of foreclosure in favor of

plaintiff Ditech Financial, LLC. He claims plaintiff lacked standing to foreclose and the motion judge erred when he concluded otherwise. We affirm for the reasons expressed in the thorough and well-written decision of Judge Donald A. Kessler.

"[A] default judgment will not be disturbed unless the failure to answer or otherwise appear and defend was excusable under the circumstances and unless the defendant has a meritorious defense[.]" Haber v. Haber, 253 N.J. Super. 413, 417 (App. Div. 1992) (quoting Pressler & Verniero, Current N.J. Court Rules, cmt. 1 on R. 4:50–1 (1992)). We review such determinations for an abuse of discretion. Mancini v. Eds ex rel. N.J. Auto. Full Ins. Underwriting Ass'n, 132 N.J. 330, 334 (1993).

Having applied the standard of review, we conclude defendant's arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E). Judge Kessler correctly found defendant had demonstrated neither the excusable neglect nor the meritorious defense required to vacate the default judgment. Defendant has not persuaded us the judge abused his discretion.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION