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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-2123-21**

U.S. BANK NATIONAL  
ASSOCIATION, not in its  
individual capacity but  
solely as trustee for  
the RMAC TRUST, SERIES  
2016-CTT,

Plaintiff-Respondent,

v.

MELVIN R. REYNOSO, MRS.  
MELVIN R. REYNOSO, spouse  
of MELVIN R. REYNOSO,

Defendants-Appellants.

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Submitted March 21, 2023 – Decided March 29, 2023

Before Judges Sumners and Geiger.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Monmouth County, Docket No.  
F-006620-16.

Melvin R. Reynoso, appellant pro se.

Schiller, Knapp, Lefkowitz & Hertz, LLP, attorneys  
for respondent (Richard A. Gerbino, on the brief).

PER CURIAM

Defendant Melvin R. Reynoso appeals a March 4, 2022, Chancery Division order denying his motion to vacate the final judgment entered in this residential mortgage foreclosure action. For the following reasons, we are constrained to reverse the challenged order and remand for the trial court to provide its findings of fact and conclusions of law in conformance with Rule 1:7-4(a).

We briefly recount the underlying the pertinent facts and procedural history that led to the entry of final judgment and the grounds asserted by defendant as the basis for his motion to vacate the judgment.

In October 2009, defendant borrowed the sum of \$245,471. The loan was secured by a promissory note and mortgage affecting real property in Long Branch. Through a recorded assignment, Lakeview Loan Servicing, LLC (Lakeview) became the holder of the note and mortgage on November 30, 2015. Defendant defaulted on the loan payments and Lakeview accelerated the balance due on the loan.

After serving defendant with a notice of intent to foreclose, Lakeview filed this foreclosure action on March 7, 2016. Defendant did not file an answer

despite being personally served with process on March 16, 2016. Default was entered against him. Following two later recorded assignments, U.S. Bank National Association (U.S. Bank), not in its individual capacity but solely as trustee for the RMAC Trust, series 2016-CTT, became the holder of the note and mortgage. Lakeview successfully moved to substitute U.S. Bank as plaintiff.

U.S. Bank then moved for entry of a final judgment of foreclosure. Defendant did not oppose the application. Final judgment was entered against defendant on September 22, 2017. After being adjourned twice, the sheriff's sale of the property was scheduled for February 5, 2018. That date was cancelled because defendant filed a Chapter 13 bankruptcy. Plaintiff obtained relief from the automatic stay from the Bankruptcy Court on November 27, 2018. On February 6, 2020, defendant's bankruptcy case was dismissed. The sheriff's sale was rescheduled to April 13, 2020, but was canceled due to the COVID-19 pandemic.

On January 19, 2022, defendant filed a motion to vacate the final judgment. Defendant alleged that U.S. Bank did not have standing and was not the proper party to foreclose on the mortgage. U.S. Bank opposed the motion arguing that when the lawsuit commenced Lakeview Loan Servicing was a

proper plaintiff and had standing based on a recorded assignment of the mortgage, and U.S. Bank subsequently had standing to prosecute the foreclosure action pursuant to a recorded assignment of the mortgage. On March 4, 2022, the Chancery Division judge denied plaintiff's motion to vacate the judgment without issuing an oral or written opinion or memorandum. Instead, the order entered by the judge stated: "Motion [d]enied. Denied based on opposition. No satisfaction under [Rule] 4:50 or Marder Service proper and [p]laintiff [U.S. Bank] properly proceeded to foreclose." This appeal followed. Defendant's motion to stay the order was denied by the Chancery Division. We later denied a stay.

The sheriff's sale was conducted on May 23, 2022. Defendant moved to set aside the sheriff's sale. On July 8, 2022, the Chancery Division denied the motion. Defendant did not appeal that order.

On appeal, defendant argues:

[THE] APPELLATE COURT MUST DECIDE WHETHER THE TRIAL COURT FAILED TO PROVIDE ADEQUATE FINDINGS OF FACT AND CONCLUSION[S] OF LAW SUPPORTING ITS DECISIONS PURSUANT TO RULE 1:7-4, AND PURSUANT TO RULE 4:50-1.

"[A]n application to open, vacate or otherwise set aside a foreclosure judgment or proceedings subsequent thereto is subject to an abuse of discretion

standard." United States v. Scurry, 193 N.J. 492, 502 (2008). However, Rule 1:7-4(a) requires trial courts to "find the facts and state its conclusions of law thereon in all actions tried without a jury, on every motion decided by a written order that is appealable as of right," in a written or oral opinion or memorandum decision. Moreover, pursuant to Rule 2:5-1(d), a trial court may also, within thirty days of receiving a copy of the notice of appeal "file and send to . . . the parties an amplification of a prior written or oral statement, opinion, or memorandum," and "[i]f oral, the amplification shall be recorded pursuant to [Rule] 1:2-2."

Here, the trial court merely stated in the order denying the motion: "Motion denied. Denied based on opposition. No satisfaction under [Rule] 4:50 or Marder[.]<sup>1</sup> Service proper and [p]laintiff properly proceeded to foreclose." The order was not accompanied by any contemporaneous or subsequent written or oral opinion, memorandum, or amplification.

"As a matter of fairness to the process and to enable meaningful appellate review, a trial court should enter a final judgement only when preceded or accompanied by adequate factual findings and a statement of reasons." Pressler & Verniero, Current N.J. Court Rules, cmt. 1 on R. 1:7-4 (2023) (citing Ducey

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<sup>1</sup> Marder v. Realty Constr. Co., 84 N.J. Super. 313 (App. Div. 1964).

v. Ducey, 424 N.J. Super. 68, 74 (App. Div. 2012)). "Failure to perform that duty constitutes a disservice to the litigants, the attorneys and the appellate court. Naked conclusions do not satisfy the purpose of [Rule] 1:7-4." Curtis v. Finneran, 83 N.J. 563, 569-70 (1980) (citation and internal quotation marks omitted). This principle applies with equal force to orders granting or denying Rule 4:50 motions.

It is certainly preferable that the trial court express its reasons for accepting or rejecting a party's arguments with particularity. See Vartenissian v. Food Haulers, Inc., 193 N.J. Super. 603, 612 (App. Div. 1984) (stating that a reviewing court "should not be forced to examine the moving papers and attempt to glean the judge's reasons" and that "it is helpful if the judge specifies why the losing party's arguments were rejected"). While we recognize that a trial court may rely, by reference, on the reasons advanced by one of the parties in lieu of giving a statement of reasons, ibid., "the clearly better practice is for the court to make its own statement," and a "broad reference" to plaintiff's opposing papers "without at least a specific reference to the particularly compelling reasons is insufficient," Pressler & Verniero, cmt. 1 on R. 1:7-4. See also Est. of Doerfler v. Fed. Ins. Co., 454 N.J. Super. 298, 301-02 (App. Div. 2018) (alteration in original) (stating that the requirements to find the facts and state

its conclusions of law thereon "cannot be carried out by the motion judge by a nebulous allusion to 'the reasons set forth in defendant[s]' motion papers'").

We reverse the order denying defendant's motion to vacate the final judgment and remand to the trial court to provide its findings of fact and conclusions of law in conformance with Rule 1:7-4(a). We express no opinion as to the merits of defendant's motion.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

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



CLERK OF THE APPELLATE DIVISION