

**NOT FOR PUBLICATION WITHOUT THE  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-2336-21

BAYVIEW LOAN SERVICING,  
LLC,

Plaintiff-Respondent,

v.

REZA FARZAN,

Defendant-Appellant,

and

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS,  
INC., as nominee for  
AMERICAN MORTGAGE  
NETWORK, INC.,

Defendant.

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Argued May 30, 2023 – Decided June 7, 2023

Before Judges Haas and Mitterhoff.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Monmouth County, Docket No.  
F-013470-16.

Reza Farzan, appellant, argued the cause pro se.

Richard A. Gerbino argued the cause for respondent (Schiller, Knapp, Lefkowitz & Hertzell, LLP, attorneys; Richard A. Gerbino, on the brief).

#### PER CURIAM

In this residential mortgage foreclosure matter, defendant Reza Farzan challenges a host of orders entered by the trial court during the course of the litigation. We affirm.

On February 14, 2005, defendant obtained a \$359,650 loan from American Mortgage Network. He executed a note and mortgage to evidence his indebtedness and agreed to make monthly payments.

Plaintiff Bayview Loan Servicing, LLC eventually acquired the note and mortgage through a series of assignments. In July 2015, the parties modified the loan and the new unpaid balance was now \$511,647.67. On August 1, 2015, defendant defaulted on the loan by failing to make the required payments.

Plaintiff filed a foreclosure complaint on May 12, 2016. The parties filed cross-motions for summary judgment and, on March 3, 2017, the trial court granted summary judgment to plaintiff for the relief sought in the complaint and denied defendant's cross-motion.

Defendant moved for a stay in the United States District Court for the District of New Jersey. That court declined to grant a stay for lack of jurisdiction, and remanded this matter to the trial court in an order dated November 3, 2017. Defendant nonetheless re-filed for a stay in the District Court, which again denied relief. Defendant appealed this decision to the United States Court of Appeals for the Third Circuit, which entered an order on February 12, 2018, declining to stay the trial court matter.

Meanwhile, plaintiff moved in the trial court to correct the date of default, and defendant cross-moved for sundry relief, including for the trial judge's recusal and for dismissal of the complaint. In an order dated January 5, 2018, the court granted plaintiff's motion, and denied defendant's application in its entirety.

The trial court denied plaintiff's motion for reconsideration, and he sought leave to appeal in the Appellate Division. This court denied plaintiff's motion on May 8, 2018. Defendant moved in the Appellate Division for reconsideration of the May 8, 2018 order, and we denied that motion on May 25, 2018. Defendant then moved in the Supreme Court for leave to appeal the Appellate Division orders, and the Court denied this motion on September 5, 2018.

On September 21, 2018, plaintiff moved in the trial court to vacate default against co-defendant Mortgage Electronic Registration Systems, Inc., as nominee for American Mortgage Network, Inc., and defendant cross-moved for dismissal of the foreclosure complaint. The court granted plaintiff's motion and denied defendant's cross-motion.

In December 2018, defendant again moved in the trial court for a stay of the foreclosure proceeding, seeking to allow for an appeal and an investigation by the Administrative Office of the Courts. The court denied the motion on March 1, 2019. Immediately thereafter, defendant moved in the trial court to dismiss the foreclosure complaint and to file suit against plaintiff for fraud. The trial court denied the motion on April 26, 2019.

Defendant filed another motion in the trial court in May 2019, seeking the trial judge's recusal, dismissal of the foreclosure complaint, and to "report Bayview and its attorneys to [l]aw [e]nforcement [a]gencies" for fraud. The court denied the motion on July 26, 2019. Defendant then filed an unsuccessful motion for leave to appeal in this court.

On September 3, 2019, the trial court entered a final judgment of foreclosure. Defendant moved in the Appellate Division for leave to appeal and

for a stay pending appeal, and this court denied the motion on September 23, 2019.

On October 10, 2019, defendant filed a Chapter Thirteen bankruptcy petition in the United States Bankruptcy Court for the District of New Jersey. On November 4, 2019, defendant filed an adversary proceeding against plaintiff in the bankruptcy court, alleging fraud in the attempt to foreclose the mortgage. Plaintiff filed a motion to dismiss the action in bankruptcy court and, on January 28, 2020, the bankruptcy court granted the motion, dismissing defendant's adversary proceeding. Defendant moved in the bankruptcy court for reconsideration, and the bankruptcy court denied this application on March 10, 2020.

Defendant appealed to the United States District Court for the District of New Jersey, which affirmed the bankruptcy court's decision on February 17, 2021. Defendant appealed the District Court's decision, and the Third Circuit rejected the appeal on September 8, 2021. Defendant then moved in the Third Circuit for recusal of the panel and to stay the case. The Third Circuit denied the motion on October 14, 2021.

Meanwhile, in the bankruptcy action, plaintiff was granted relief from the automatic stay on May 27, 2020, and its foreclosure action was allowed to

proceed in the trial court. The foreclosure action was delayed amidst the COVID-19 pandemic but as the pandemic eased, the trial court entered a writ of execution on January 13, 2022, and a sheriff's sale was scheduled for April 4, 2022.

In March 2022, defendant moved for a stay in the foreclosure action because his bankruptcy proceeding was not concluded, sought to vacate the writ of execution, and again moved for the trial judge's recusal.<sup>1</sup> The trial court denied the motion on April 1, 2022, and defendant exercised his statutory right to adjourn the sheriff's sale until May 31, 2022.<sup>2</sup>

On April 5, 2022, defendant filed a notice of appeal of the April 1, 2022 order. Three days later, he filed an amended notice of appeal, stating that he

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<sup>1</sup> In early 2022, defendant filed a separate Law Division action against various parties in connection with the foreclosure action, and sought a stay of the sheriff's sale in the Law Division action as well. The trial court denied the motion. Plaintiff sought leave to appeal, and this court denied plaintiff's motion on May 27, 2022. Defendant then filed a motion for a stay in the Supreme Court. The Court denied this motion on June 14, 2022.

<sup>2</sup> The May 31, 2022 sheriff's sale was adjourned after defendant's son filed his own bankruptcy petition, alleging that he resided at the premises sought to be foreclosed, but his bankruptcy case was later dismissed and the sheriff's sale was rescheduled for October 31, 2022.

wished to appeal "the order denying [his] motion to vacate the writ of execution and the order denying to stay [sic] sheriff sale."

On September 16, 2022, defendant filed an "emergent motion" in the trial court to stay the sheriff's sale set for October 31, 2022. The court held a hearing on October 4, 2022, and denied the relief requested. On October 11, 2022, defendant filed a motion in the Appellate Division to "[r]estore [m]y [c]onstitutional [r]ights" and "[s]tay [s]heriff [s]ale of 10/31/22." This court denied the motion on October 27, 2022.

On October 20, 2022, defendant filed a motion for summary disposition, which this court denied on November 28, 2022. We denied defendant's subsequent "motion for clarification" on January 6, 2023.

In his merits brief, defendant raises the following contentions:

**POINT I**

**THE SUMMARY JUDGMENT OF [MARCH 3, 2017]  
MUST BE VACATED.**

**POINT II**

**THE FINAL JUDGMENT OF [SEPTEMBER 3, 2019]  
WHICH WAS CERTIFIED ON [APRIL 1, 2022]  
MUST BE VACATED.**

POINT III

WRIT OF EXECUTION OF [JANUARY 13, 2022]  
MUST BE VACATED.

POINT IV

THE PENDING SHERIFF SALE OF [MAY 31, 2022]  
MUST BE VACATED.

POINT V

THE FORECLOSURE CASE MUST BE STAYED  
PENDING APPEAL.


POINT VI

MY CONSTITUTIONAL RIGHTS MUST BE  
RESTORED BY NJ APPELLATE DIVISION.

We have considered defendant's contentions in light of the record and the applicable law. We conclude that his arguments are without sufficient merit to warrant 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