

**NOT FOR PUBLICATION WITHOUT THE  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-3342-22**

**MIDFIRST BANK,**

**Plaintiff-Respondent,**

**v.**

**PATRICIA CONQUEST  
BENSON,**

**Defendant-Appellant.**

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Submitted May 14, 2024 – Decided May 23, 2024

Before Judges Mayer and Paganelli.

On appeal from the Superior Court of New Jersey,  
Chancery Division, Camden County, Docket No.  
F-007011-22.

Patricia Conquest Benson, appellant pro se.

Robertson, Anschutz, Schneid, Crane and Partners,  
PLLC, attorneys for respondent (John D. Krohn, on the  
brief).

**PER CURIAM**

Defendant Patricia Conquest Benson appeals from a May 12, 2023 order denying her motion to vacate a final default judgment.<sup>1</sup> We affirm.

We glean the facts and procedural history from the motion record. The underlying matter involved a mortgage foreclosure. In July 2009, defendant executed a note secured by a mortgage on defendant's residential property. Ultimately, the mortgage was assigned to plaintiff. In July 2022, plaintiff filed a foreclosure complaint. Defendant failed to file an answer and a default judgment was entered in November 2022. In April 2023, defendant moved to vacate the default judgment.

In an oral opinion, the judge considered but rejected defendant's arguments they were not served with process; had no notice of the cause of action; and plaintiff lacked standing to file the complaint. The judge reviewed plaintiff's proof of service and determined defendant was served with process. Moreover, the judge concluded defendant received "notices" and "no less than five filings." The judge noted "all of the filings were sent to the defendant at the property via regular and certified mail."

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<sup>1</sup> Defendant states plaintiff filed a motion for reconsideration of the May 12, 2023 order which was denied on June 23, 2023. Defendant advises the June 23, 2023 order, is part of this appeal. However, plaintiff has not appealed the June 23, 2023 order, therefore it is not before us.

The judge explained the law required defendant to establish "excusable neglect and a meritorious defense" to vacate a default judgment and "neither ha[d] been" established. Guided by the well-settled case law, the judge concluded there was no evidence to support vacating the judgment.

Defendant's sole argument on appeal is "the judge erred by failing to provide adequate findings of fact and conclusion[s] of law supporting [her] decisions pursuant to Rule 1:7-4."

Rule 1:7-4(a) provides "[t]he court shall, by an opinion or memorandum decision, either written or oral, 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."

The New Jersey Supreme Court has explained the:

[f]ailure to perform that duty "constitutes a disservice to the litigants, the attorneys and the appellate court." Kenwood Assocs. v. Bd. of Adj. Englewood, 141 N.J. Super. 1, 4 (App. Div. 1976). Naked conclusions do not satisfy the purpose of [Rule] 1:7-4. Rather, the trial court must state clearly its factual findings and correlate them with the relevant legal conclusions.

[Curtis v. Finneran, 83 N.J. 563, 569-70 (1980).]

We are convinced the judge satisfied her duty under Rule 1:7-4. In an oral opinion placed on the record on May 12, 2023, the judge stated her factual

findings; applied those facts to the controlling law and reached her conclusion.

The Rule requires nothing more.

Affirmed.

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



CLERK OF THE APPELLATE DIVISION