

| Hon. Arnold L. Natali Jr.'s Motion List for February 2, 2018 | | | | | | |
|---|-----------|-------------|-----------|--------------|--|--------------------------|
| CAPTION | DK | DK # | YR | MTN # | MOTION TYPE | OUTCOME |
| MIDLAND FUNDING V AYIM | DC | 9752 | 12 | | MOTION FOR THE TURNOVER OF FUNDS | GRANTED |
| FREEDOM MORTGAGE V AVERY | C | 106 | 17 | | MOTION TO REINSTATE CASE | GRANTED |
| MARITIME PARK V NOVA CASUALTY | C | 24 | 16 | | MOTION FOR SUMMARY JUDGMENT | ADJOURNED 2/20 |
| MONMOUTH MOBILE V BAKER | C | 222 | 16 | | MOTION TO STRIKE COMPLAINT W/O PREJUDICE FOR FAILURE TO PROVIDE DI | WITHDRAWN |
| ST CYRILLUS V POLISH NATIONAL CATHOLIC CHURCH | C | 37 | 17 | | MOTION IN AID OF LITIGANT'S RIGHTS | PARTIAL |
| | | | | | CROSS-MOTION FOR STAY | DENIED |
| US BANK V MERCHAN | C | 211 | 15 | | MOTION FOR LEAVE TO ASSERT COUNTERCLAIM | GRANTED |
| WELLS FARGO V FAUSTINO RODRIGUES | C | 158 | 17 | | MOTION FOR SUBSTITUTED SERVICE | DENIED WITHOUT PREJUDICE |
| GREAT AMERICAN V NY MARINE | L | 6339 | 16 | | MOTION TO PAY COUNSEL FEES | PARTIAL |
| JAJE V UNITED AIR | L | 5595 | 14 | | MOTION TO COMPEL DISCOVERY | DENIED WITHOUT PREJUDICE |
| IMO SOUTH BRUNSWICK | L | 4433 | 17 | | MOTION TO ENFORCE LITIGANTS RIGHTS | DENIED |
| RAHEEB V QBE SPECIALTY INSURANCE | L | 6215 | 17 | | MOTION DISMISSING COMPLAINT | DENIED |
| SB BUILDING ASSOCIATES V BOROUGH OF MILLTOWN | L | 9439 | 6 | | MOTION TO BAR TESTIMONY | DENIED WITHOUT PREJUDICE |
| SLOANE V PELTIER | L | 3241 | 16 | | MOTION TO DISMISS WITH PREJUDICE | ADJOURNED 2/16 |
| | | | | | MOTION TO DISMISS WITH PREJUDICE | ADJOURNED 2/16 |

| Hon. Arnold L. Natali Jr.'s Motion List for February 2, 2018 | | | | | | |
|---|-----------|-------------|-----------|--------------|---|--------------------------|
| CAPTION | DK | DK # | YR | MTN # | MOTION TYPE | OUTCOME |
| WELLS FARGO BANK NA V. VALLEJO | F | 37743 | 15 | | MOTION FOR ENTRY OF FINAL JUDGMENT | DENIED WITHOUT PREJUDICE |
| WELLS FARGO BANK NA V. ESTEVEZ | F | 9959 | 13 | | MOTION TO VACATE | GRANTED |
| WELLS FARGO BANK NA V. LORQUERT | F | 34976 | 13 | | MOTION TO VACATE | GRANTED |
| RIVERBEND TOWNHOUSE V. FUMADOR | F | 33946 | 15 | | MOTION TO VACATE | CARRIED 2/16 |
| US BANK V CROTTY | F | 27597 | 10 | | MOTION TO SET ASIDE SHERIFFS SALE | WITHDRAWN |
| US BANK V LOPEZ | F | 12883 | 10 | | MOTION TO AMEND ORDER | GRANTED |
| WELLS FARGO BANK NA V BOSCO | F | 2490 | 17 | | MOTION TO SET ASIDE SHERIFFS SALE | ADJOURNED |
| US BANK V BARTLEY | F | 10576 | 17 | | MOTION FOR SUMMARY JUDGMENT | GRANTED |
| US BANK V. MAHAJAN | F | 19333 | 17 | | MOTION FOR SUMMARY JUDGMENT | |
| | | | | | MOTION TO PERMIT THE ENTRY OF FINAL JUDGMENT NOTWITHSTANDING THE LOAN MODIFICATION AGREEMENT NOT BEING RECITED IN THE COMPLAINT AND TO STRIKE THE LOAN MODIFICATION | |
| US BANK V. GERSHENGOREN | F | 9887 | 14 | | | |
| WELLS FARGO BANK NA V. DIAZ | F | 2545 | 15 | | MOTION TO SET ASIDE SHERIFF'S SALE | DENIED |
| WELLS FARGO BANK NA VS MAJEWSKI | F | 1422 | 10 | | MOTION TO SET ASIDE SHERIFF'S SALE | ADJOURNED |

The Honorable Arnold L. Natali, Jr., P.J. Ch.
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, New Jersey 08903

FILED
FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

FREEDOM MORTGAGE CORPORATION

Plaintiff(s)

vs.

LARRY AVERY, ET AL.

Defendant(s)

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION**

MIDDLESEX COUNTY

DOCKET NO. C-106-17

CIVIL ACTION

ORDER

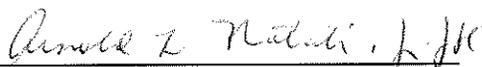
THIS MATTER having come before the Court by way of a motion to reinstate the case filed by Timothy Jones, Esq., counsel for Freedom Mortgage Corporation (“Plaintiff”), and the Court having reviewed the papers submitted, and for good cause shown:

IT IS, on this 2nd day of February, 2018,

ORDERED that the Court’s October 13, 2017 Order dismissing this case is hereby vacated for good cause¹; and

IT IS FURTHER ORDERED that the parties shall appear on February 23, 2018 at 10:30 a.m. for a Case Management Conference; and

IT IS FURTHER ORDERED that counsel for Plaintiff shall serve a copy of this Order on all parties within five (5) days of the date of this Order.



HON. ARNOLD L. NATALI JR., P.J.Ch.

¹ The Court notes that, prior to the October 13, 2017 dismissal, a dismissal notice was forwarded to counsel for Plaintiff on September 8, 2017 and sent to the office of Brian Yoder, Esq., of Phelan Hallinan Diamond & Jones P.C.

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ARNOLD L. NATALI JR., P.J.Ch.

WNI16-014391
Shapiro & DeNardo, LLC
14000 Commerce Parkway, Suite B
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(856)793-3080
Chandra M. Arkema - 029552006
Attorneys for Plaintiff

| | |
|---|--|
| <p>WELLS FARGO BANK, NA</p> <p>PLAINTIFF,</p> <p>vs.</p> <p>FAUSTINO RODRIGUES; LOIZEAUX BUILDERS SUPPLY CO.; BLUE CIRCLE MATERIALS, INC. F/K/A BLUE CIRCLE RAI, INC.; ATLANTIC GROUP SUPPLY INC.</p> <p>DEFENDANTS</p> | <p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MIDDLESEX COUNTY</p> <p>Docket No: C-000158-17</p> <p>CIVIL ACTION</p> <p>ORDER PERMITTING SUBSTITUTED SERVICE</p> |
|---|--|

THIS MATTER being opened to the Court by SHAPIRO & DENARDO, LLC, Chandra Arkema, Esquire, appearing for Plaintiff, on plaintiff's application for substituted service and for good cause:

IT IS ON THIS 2nd day of February 2018, ORDERED that:

1. Plaintiff is permitted to serve Defendants, Blue Circle Materials, Inc. f/k/a Blue Circle Raia, Inc. and Atlantic Group Supply Inc., via publication. *Denied without prejudice. Statement of Reasons attached.*

IT IS FURTHER ORDERED that a copy of this Order be served upon defendants by regular mail within 5 days of the date of Plaintiff's counsel's receipt of this Order.

Arnold L. Natali, Jr. P.J.Ch.
Arnold L. Natali, Jr., P.J.Ch.

Motion opposed _____
Motion unopposed ✓

Statement of Reasons

Wells Fargo Bank, NA v. Faustino Rodrigues, et al., Docket No. C-000158-17

Presently before the Court is Plaintiff's application for a Court Order permitting substituted service by publication upon Defendants Blue Circle Materials, Inc., f/k/a Blue Circle Raia, Inc. ("Blue Circle") and Atlantic Group Supply Inc. ("Atlantic Group"). Because Plaintiff has failed to establish through diligent inquiry that service cannot be effectuated upon Blue Circle and Atlantic Group in New Jersey, the application to effectuate service by publication is denied without prejudice. Plaintiff may renew the application upon a detailed showing, by the diligent efforts detailed herein, that the Defendant(s) cannot be served in New Jersey by the traditional means outlined in the New Jersey Court Rules.

To effectuate proper service of process in accordance with constitutional requirements, notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them the opportunity to present their objections." U.S. Bank Nat. Ass'n v. Curcio, 444 N.J. Super. 94, 111 (App. Div. 2016). Service by publication "is an alternative method of service of process, but it must be consistent with due process." M & D Associates v. Mandara, 366 N.J. Super. 341, 353 (App. Div. 2004). Further, "[s]ervice by publication is hardly favored and is the method of service that is least likely to give notice." Id. (citations omitted). Consequently, a plaintiff must file an affidavit confirming that a diligent inquiry has been made and a defendant cannot be personally served within the state. See R. 4:4-5(a).¹

Pursuant to R. 4:4-5, in actions affecting specific property, service upon absent defendants may be effectuated as follows:

wherein it shall appear by affidavit of the plaintiff's attorney or other person having knowledge of the facts, that a defendant cannot, after diligent inquiry as required by this rule, be served within the State, service

¹ It is unclear if Plaintiff seeks to complete service of the Complaint by publication in accordance with R. 4:4-4(b)(3)(substituted or constructive service by Court Order) or by way of R. 4:4-5 (service on absent Defendants in an action affecting specific property). As the Complaint affects specific property, the Court assumes that Plaintiff seeks relief pursuant to R. 4:4-5.

may, consistent with due process of law, be made by any of the following four methods:

...

(3) by publication of a notice to absent defendants once in a newspaper published or of general circulation in the county in which the venue is laid; and also by mailing, within 7 days after publication, a copy of the notice as herein provided and the complaint to the defendant, prepaid, to the defendant's residence or the place where the defendant usually receives mail, unless it shall appear by affidavit that such residence or place is unknown, and cannot be ascertained after inquiry as herein provided or unless the defendants are proceeded against as unknown owners or claimants pursuant to R. 4:26-5(c). If defendants are proceeded against pursuant to R. 4:26-5(c), a copy of the notice shall be posted upon the lands affected by the action within 7 days after publication. The notice of publication to absent defendants required by this rule shall be in the form of a summons, without a caption. The top of the notice shall include the docket number of the action, the court, and county of venue. The notice shall state briefly:

(A) the object of the action, the name of the plaintiff and defendant followed by et al., if there are additional parties, the name of the person or persons to whom the notice is addressed, and the basis for joining such person as a defendant; and

(B) if the action concerns real estate, the municipality in which the property is located, its street address, if improved, or the street on which it is located, if unimproved, and its tax map lot and block numbers; and

(C) if the action is to foreclose a mortgage, tax sale certificate, or lien of a condominium or homeowners association, the parties to the instrument and the date thereof, and the recording date and book and page of a recorded instrument; and

(D) the information required by R. 4:4-2 regarding the availability of Legal Services and Lawyer Referral Services together with telephone numbers of the pertinent offices in the vicinage in which the action is pending or the property is located; ... R. 4:4-5(a).

Pursuant to the comments to R. 4:4-5, “[u]se of all service modes other than personal service within this State must be supported by an affidavit of inquiry showing that the defendant cannot be personally served here.” Rule 4:4-5 identifies the contents required for the affidavit, specifically:

The inquiry required by this rule shall be made by the plaintiff, plaintiff's attorney actually entrusted with the conduct of the action, or by the agent of the attorney; it shall be made of any person who the inquirer has reason to believe possesses knowledge or information as to the defendant's

residence or address or the matter inquired of; the inquiry shall be undertaken in person or by letter enclosing sufficient postage for the return of an answer; and the inquirer shall state that an action has been or is about to be commenced against the person inquired for, and that the object of the inquiry is to give notice of the action in order that the person may appear and defend it. The affidavit of inquiry shall be made by the inquirer fully specifying the inquiry made, of what persons and in what manner, so that by the facts stated therein it may appear that diligent inquiry has been made for the purpose of effecting actual notice. R. 4:4-5(b).

In Garrett v. Matisa, 394 N.J. Super. 468 (Ch. Div. 2007) the court detailed examples of diligent search inquiries in a case involving non-corporate entities to include: proof of a U.S. Postal search, proof of a Motor Vehicle Commission Check, an Armed Services check, a Voter's registration check, and an Internet search. Id. at 476-77. Comments to section R. 4:4-4 provide that "if a defendant is present in the state but personal service cannot be effected, then service may be made by certified or registered mail and, if the mail is refused or unclaimed, by ordinary mail." As to the need to attempt personal service prior to effectuating service by publication under R. 4:4-5, the comments under this Rule inform that "if defendant is required to be personally served pursuant to R. 4:4-4 and [if it] can be so served, service under this rule is ineffective." See also U.S. Bank Nat. Ass'n v. Curcio, 444 N.J. Super 94 (App. Div. 2016).

In the Certifications of Inquiry of Rosemaire Curry, Legal Assistant at Shapiro & Denardo, LLC, appended as Exhibits B and C to the Certification of Chandra Arkema, Esq., Ms. Curry states that as to Defendant Blue Circle, a private process served attempted to serve the Defendant at the known address at 475 Market Street, Suite 300 in Elmwood Park, NJ after a Google search revealed a current location for the company at that address. See Certification at paragraphs 5-6. Without any further information as to the results of the personal service, whether service was also attempted at any registered agent of the company, or if service was attempted by regular or certified mail, Ms. Curry concludes that she "believe[s] that the Defendant, Blue Circle Materials, Inc., f/k/a Blue Circle Raia, Inc., may exist, operate, but is unable to be found."

Less information regarding the diligent efforts to locate and serve Atlantic Group are provided. Indeed, Ms. Curry certifies generally that "[t]his office made diligent and careful inquiry in the manner required by law and the rules of this Court to ascertain the address of Atlantic Group Supply Inc. or the place where Defendant usually receives their mail" and that

“[i]n all of the inquires made, this office stated that it was about to or that it had instated a suit...and the purpose of this inquiry was to give Defendant notice of suit to that they could appear in defense of same.” Without any further details as to those diligent efforts, including what specific efforts were made to obtain the last known address, at what address and in what manner was service upon this Defendant attempted in New Jersey, Ms. Curry concluded, “I believe that the Defendant Atlantic Group Supply Inc., may exist/operate but is unable to be found. See Certification at paragraphs 3-5.

The information provided to the Court is insufficient for the Court to permit service by publication. In any renewed application, Plaintiff shall detail its efforts to serve the Defendants at a known business address (by personal service or by certified and regular mail) in New Jersey, shall submit copies of any report(s) of successful or unsuccessful service by a process server and shall certify if any of the Defendants have a registered agent in New Jersey and if service was attempted on such registered agent personally or by certified and regular mail. Finally, Plaintiff shall certify specifically what efforts were made as to each defendant to locate their current or last known business address (i.e., internet searches, postal search).

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FEB 02 2018

STERN LAVINTHAL & FRANKENBERG LLC
105 Eisenhower Parkway - Suite 302
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(973) 797-1100
Attorneys for Defendant, 21st Mortgage Corporation
Mark S. Winter, Esq.: 033271996
201601884

ARNOLD L. NATALI JR., P.J.Ch.

US BANK NATIONAL ASSOCIATION, AS
TRUSTEE UNDER POOLING AND
SERVICING AGREEMENT DATED AS OF
AUGUST 1, 2006, MASTR ASSET
BACKED SECURITIES TRUST 2006-HE3
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-HE3

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO.: C-00211-15

CIVIL ACTION

Plaintiff

vs.

**ORDER GRANTING LEAVE TO ASSERT
COUNTERCLAIM**

CARLOS MERCHAN, RICHARD ADAMS,
VIVIANA ADAMS, NORMAN ALEMAN,
UNITED CAPITAL PROPERTY
SOLUTIONS and 21ST MORTGAGE
CORPORATION

Defendant(s)

THIS MATTER being opened to the Court by Stern, Lavinthal & Frankenberg, LLC (Mark S. Winter, Esq., appearing), attorneys for the Defendant, 21st Mortgage Corporation (“21st Mortgage”) on a Motion for Leave to Assert a Counterclaim on notice to Plaintiff, U.S. Bank National Association as Trustee under Pooling and Servicing Agreement Dated as of August 1, 2006 MASTR Asset-Backed Securities Trust 2006-HE3 Mortgage Pass-Through Certificates Series 2006-HE3 (“Trust”), and the Court having reviewed the papers, and for good cause shown;

IT IS ON this 2nd day of February, 2018

ORDERED, that 21st Mortgage be granted leave to file and serve a Counterclaim; and it is further

ORDERED, that Plaintiff shall have leave to file and serve the Counterclaim in the form and substance annexed as Exhibit C of the Certification of Mark S. Winter, Esq. in support of the Motion; and it is further

ORDERED, that a true copy of this Order be served upon all parties, via regular mail, within 5 days of the date of receipt hereof. (X)

Arnold L. Natali, Jr.
Honorable Arnold L. Natali, Jr., P.J.Ch.

 Opposed

 ✓ Unopposed

(X) Counsel confirmed with the Court that this application is not opposed. Accordingly, Defendant is granted leave to assist a counterclaim. However, all of the Court's pre-trial and trial deadlines and dates remain unaffected by this order.

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

PRESSLER AND PRESSLER, L.L.P.
ATTORNEYS AT LAW
7 Entin Rd.
Parsippany, NJ 07054-5020
(973) 753-5100

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

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FEB 02 2018

Attorney for Plaintiff

ARNOLD L. NATALI JR., P.J.Ch.

MIDLAND FUNDING LLC

Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION MIDDLESEX
DOCKET NO. DJ-181739-12

VS.

FRED AYIM

Defendant(s)

CIVIL ACTION
ORDER

229752-12

This matter having been opened to the Court by Pressler and Pressler, LLP, Attorneys for Plaintiff, and no objection having been made, and it appearing that levy was made under a Writ of Execution issued in this cause upon the monies and to become due and owing to defendant(s) FRED AYIM from UBER TECHNOLOGIES INC C/O CORPORATION TRUST COMPANY, and it appearing from the moving papers that said amount does not exceed the remaining balance on the judgment due from said defendant(s) in the above entitled cause, including costs, interest and Sheriff's fees,

It is on this *2nd* day of *February*, 2018

ORDERED that UBER TECHNOLOGIES INC C/O CORPORATION TRUST COMPANY pay over to the Sheriff of MERCER County, all monies due and owing and to become due and owing to FRED AYIM beginning Friday, February 02, 2018, to be credited to the judgment and costs which is presently \$2,057.53 until said judgment plus accruing interest and Sheriff's Fees has been fully satisfied.

All parties are to be served within seven (7) days of the date hereof of a copy of this order.

Arnold L. Natali Jr. JCh
ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

FILED

FEB 05 2018

ARNOLD L. NATALI JR., P.J.Ch.

**ST. CYRILLUS and METHODIUS,
CZECHO SLOVAK NATIONAL
CATHOLIC CHURCH OF PERTH
AMBOY, N.J., INC.,**
Plaintiffs,

v.

**POLISH NATIONAL CATHOLIC
CHURCH, INC., BERNARD J.
NOWICKI, in his official and personal
Capacity, and SANTANDER BANK,
N.A.**

Defendants.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
CHANCERY DIVISION

DOCKET NO. MID-C-37-17

CIVIL ACTION

ORDER

THIS MATTER having come before the Court by a motion to enforce litigant’s rights, filed by Edwin R. Matthews, Esq., appearing as counsel for Polish National Catholic Church and Bernard J. Nowicki (“Defendants”), and by way of a cross-motion for a stay of this Court’s September 21, 2017 and December 5, 2017 Orders pending disposition of the appeal filed by Mario Apuzzo, Esq., counsel for St. Cyrillus and Methodius Czecho Slovak National Catholic Church of Perth Amboy, N.J., Inc. (“Plaintiff”), and the Court having considered the papers submitted, and for the reasons stated on the record on February 2, 2018 and in the attached Statement of Reasons, and for good cause shown:

IT IS on this 5th day of February, 2018:

ORDERED that Defendants’ application is **GRANTED IN PART** and **DENIED IN PART**:

1. Plaintiff must comply with the December 5, 2017 Order which directed that Defendants were to hold the funds, money, and property of the St. Cyrillus Parish in accordance with the articles and provisions of the Polish National Catholic Church (“PNCC”) Constitution.

2. The parties agree to maintain the funds currently held at Santander Bank, and which emanate from the insurance proceeds as a result of the October 28, 2013 fire, in an interest bearing account at Santander Bank. The parties further agree not to disburse, withdraw, or transfer the funds until the exhaustion of all appeals.
3. In accordance with the PNCC Constitution, Defendants shall execute a Deed conveying fee title of any and all real property currently held in the name of the Plaintiff, or its predecessors, including but not limited to Lots 1-4, Block 269, Perth Amboy, New Jersey, to the Polish National Catholic Church, Scranton, Pennsylvania. Defendants further agree not to transfer the aforementioned property to any third-party individual or entity until the exhaustion of all appeals.
4. Defendants request for an order, under R. 1:10-3, directing that “all persons currently residing with Plaintiff’s authorization shall vacate the rectory located at 600 Jacques Street, Perth Amboy, New Jersey by [a date certain]” and “authoriz[ing] [Defendants] to change the locks on the rectory located at 600 Jacques Street, Perth Amboy, New Jersey” is denied. Although the Court has already determined that Defendants may hold the property in accordance with the Constitution of the PNCC and that Defendants have a right to the possession of the property, the rights of the unnamed individual shall be addressed in a separate ejectment proceeding. See N.J.S.A. § 2A:35-1, et seq.

IT IS FURTHER ORDERED that Plaintiffs’ application for a stay of the Court’s September 21, 2017 and December 5, 2017 Orders pending appeal is **DENIED**; and

IT IS FURTHER ORDERED that counsel for Defendants shall serve a copy of this Order upon all counsel of record within five (5) days of the date of this Order.



HON. ARNOLD L. NATALI JR., P.J.Ch.

STATEMENT OF REASONS ATTACHED.

Statement of Reasons

The Court's statement of reasons amplifies the statements placed on the record after oral argument with respect to Defendants' application to enforce litigant's rights pursuant to R. 1:10-3 and Plaintiff's cross-motion for a stay pending appeal.

Initially, the Court notes, and as clarified during oral argument, that Defendants' application seeks to enforce the Court's December 5, 2017 Order, and specifically, that portion of the Order that provides that "Defendants shall hold the funds, money, and property of the St. Cyrillus and Methodius Czecho Slovak National Catholic Church of Perth Amboy, N.J., Inc. in accordance with the articles and provisions of the Polish National Catholic Constitution[.]"

A primary issue that must be addressed by the Court is whether the Court has jurisdiction to hear this application in light of Plaintiff's appeal of the Court's September 21, 2017 and December 5, 2017 Orders. In this regard, the Court notes that an eCourts filing evidences Plaintiff's Notice of Appeal filed on January 16, 2018 (7:07 p.m.) and an Amended Notice of Appeal filed on January 22, 2018 (12:31 p.m.). The Court concludes that, pursuant to R. 2:9-1(a), this Court has jurisdiction to address the issues raised in the motion and cross-motion. R. 2:9-1(a) provides that,

"[e]xcept as otherwise provided by R. 2:9- 3, 2:9-4 (bail), 2:9-5 (stay pending appeal), 2:9-7, 2:9-13(f), and 3:21-10(d), the supervision and control of the proceedings on appeal or certification shall be in the appellate court from the time the appeal is taken or the notice of petition for certification filed. The trial court, however, shall have continuing jurisdiction to enforce judgments and orders pursuant to R. 1:10 and as otherwise provided."

See R. 2:9-1(a) (emphasis added).

As detailed in the Comments to R. 1:10-3, see Pressler & Verniero, Current N.J. Court Rules, cmts. on R. 1:10-3 (Gann), a trial court sustains jurisdiction to conduct and address enforcement proceedings of any motion not stayed. See also Morrison v. Morisson, 93 N.J. Super. 96 (Ch. Div. 1966); Mitchell v Oksienik, 380 N.J. Super. 119, 126 n.3 (App. Div. 2005). Here, as noted, Defendants seek enforcement of the December 5, 2017 Order granting Defendants the relief that "[they] shall hold the funds, money, and property of the St. Cyrillus and Methodius Czecho Slovak National Catholic Church of Perth Amboy, N.J., Inc. in accordance with the articles and provisions of the Polish National Catholic Constitution[.]"

In order to obtain the corpus of that judgment (*i.e.*, the property and funds), Defendants sought agreement of counsel to segregate the funds currently held at Santander Bank and to transfer the deed of the property to its name, while agreeing not to disburse the assets. Effectively, Defendants seek to enforce the Court's December 5, 2017 Order by compelling compliance as Plaintiff has not effected a transfer or agreed to segregate the funds.¹ As such, Defendants' request for relief pursuant to R. 1:10-3 is appropriate and because Plaintiff seeks only to enforce the Court's December 5, 2017 Order, and there is no punitive relief sought, a finding of willfulness is not required. See In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 17-19 (2015).

With respect to Defendants request that the Court enter an Order, under the guise of R. 1:10-3, directing that "all persons currently residing with Plaintiff's authorization shall vacate the rectory located at 600 Jacques Street, Perth Amboy, New Jersey by [a date certain]" and "authoriz[ing] [Defendants] to change the locks on the rectory located at 600 Jacques Street, Perth Amboy, New Jersey," the request is denied. The Court agreed with Plaintiff by way of its cross-motion that Defendants cannot seek such a remedy on the current record and in the procedural manner Defendants have elected to proceed.

First, the Court has little to no knowledge by way of competent proofs, see R. 1:1:6-6, as to the individual residing at the rectory and the circumstances of his tenancy or quasi-tenancy. Second, the process employed by Defendants (*i.e.*, proceeding by way of an application in aid of litigant's rights pursuant to R. 1:10-3) ignores fundamental notions of due process and does not follow the procedure to eject an occupant of real property. See N.J.S.A. § 2A:35-1, et seq.

Plaintiff's request for a stay of the Court's September 21, 2017 and December 5, 2017 Orders pending appeal is denied. New Jersey Court Rule 2:9-5 states that, "[e]xcept as otherwise provided by R. 1:10 (Contempt), neither an appeal, nor motion for leave to appeal, nor a proceeding for certification, nor any other proceeding in the matter shall stay proceedings in any court in a civil action" R. 2:9-5(a). Further,

[a] motion for a stay in a civil action or contempt proceeding prior to the date of the oral argument in the appellate court or of submission to the appellate court for consideration without argument shall be made first to the court which entered the judgment or order. Thereafter the motion shall be made to the appellate court.

¹ Plaintiff also seeks to be relieved of the obligation to post a supersedeas bond. Although Defendants did not seek such relief, in Defendants' reply papers they request Plaintiff to post a bond. As Defendants have agreed not to transfer the assets that are the subject of the appeal to any third-party, there is sufficient protection of the corpus of the appeal and a bond will not be required.

R. 2:9-5(b).

The decision of whether to grant a stay is within the discretion of the trial court and “dependent upon the equities of a given case.” Avila v. Retailers & Mfrs. Distribution, 355 N.J. Super. 350, 354 (App. Div. 2002). The equities are to be measured “by the standard utilized in the granting of a preliminary injunction, *i.e.*, (1) whether irreparable harm will result from enforcement of a judgment pending appeal; (2) whether a meritorious issue is presented; and (3) the likelihood of success on appeal.” Id. (citing Crowe v. De Gioia, 90 N.J. 126, 133 (1982)). Harm is ordinarily considered to be irreparable in equity if it cannot be adequately redressed by monetary damages. Garden State Equality v. Dow, 216 N.J. 314, 328 (2013). A court must also consider “the relative hardship to the parties in granting or denying relief.” Crowe, *supra*, 90 N.J. at 134.

A moving party seeking a stay pending appeal must prove the Crowe factors by “clear and convincing evidence.” Garden State Equality, *supra*, 216 N.J. at 320. However, when the interlocutory injunction is designed to preserve the status quo, a court is permitted to take a “less rigid view” of the Crowe factors. Brown v. City of Paterson, 424 N.J. Super. 176, 183 (App. Div. 2012).

Applying the aforementioned facts to the instant matter, the Court concludes that a stay of the Court’s September 21, 2017 and December 5, 2017 Orders pending appeal is not warranted. Plaintiff has failed to demonstrate that irreparable harm will result from the enforcement of the Court’s Orders pending appeal. Specifically, with respect to any asserted irreparable harm resulting from a transfer of the Rectory to Defendants (as detailed by counsel for Plaintiff at oral argument on February 2, 2018), Plaintiff itself concedes that, after the fire, church services were held at a different location. Pl. Br. 3. Plaintiff began using the Rectory for church services to “save funds.” Id. That Plaintiff will be unable to hold church services in the Rectory and “save funds” fails to give rise to irreparable injury. Additionally, Plaintiff has failed to prove that the relative hardships weigh in favor of granting the relief sought because, as previously explained, Plaintiff is capable of using a different location to perform its religious services and has no demonstrated legal right to the premises.

Moreover, based on the reasons set forth in the Court’s December 5, 2017 Order and Opinion, which is attached as Appendix A and incorporated herein, the Court concludes that Plaintiff has failed to present a meritorious issue or the likelihood of success on appeal. Specifically, Plaintiff’s argument that Defendants are not entitled to the funds and property

belonging to the Plaintiff fails under both the hierarchical approach and the neutral principles of law approach. Under the hierarchical approach, Plaintiff, as an undisputed member of the Defendant PNCC, must adhere to the decisions of the PNCC. Even if Plaintiff is not a member of the Defendant PNCC, under the neutral principles of law approach the actions of the Defendants in taking control over the property and funds of the Plaintiff after the fire were permitted under the PNCC Constitution. Further, Defendants did not act arbitrarily in taking control over the property and funds after the fire as their actions stemmed from Plaintiff's failure to pay dues for a number of years and from a thorough review of the viability of the Parish after the catastrophic fire event. With respect to Plaintiff's opposition to the ejection of the undisclosed resident of the rectory, the appropriate remedy should be sought by way of ejection in the Special Civil Part. See N.J.S.A. § 2A:35-1, et seq.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

| | | |
|------------------------------------|---|---------------------------------|
| <hr/> | : | SUPERIOR COURT OF NEW JERSEY |
| IN THE MATTER OF THE | : | MIDDLESEX COUNTY |
| APPLICATION OF THE TOWNSHIP | : | LAW DIVISION |
| OF SOUTH BRUNSWICK, COUNTY | : | |
| OF MIDDLESEX, | : | DOCKET NO. MID-L-4433-17 |
| | : | |
| | : | CIVIL ACTION |
| | : | |
| <hr/> | : | |
| AVALONBAY COMMUNITIES, INC. | : | SUPERIOR COURT OF NEW JERSEY |
| | : | MIDDLESEX COUNTY |
| Plaintiff, | : | LAW DIVISION |
| | : | |
| v. | : | DOCKET NO. MID-L-4435-17 |
| | : | |
| TOWNSHIP OF SOUTH | : | CIVIL ACTION |
| BRUNSWICK AND PLANNING | : | |
| BOARD OF THE TOWNSHIP OF | : | |
| SOUTH BRUNSWICK, | : | |
| | : | |
| Defendants. | : | |
| <hr/> | : | |

THIS MATTER having come before the Court by way of a motion to enforce litigant’s rights filed by Robert A. Kasuba, Esq., appearing as counsel for AvalonBay Communities, Inc. (“AvalonBay”), and opposition having been filed by Donald J. Sears, Esq., appearing as counsel for the Township of South Brunswick (“the Township”), and Thomas J. Molica, Jr., Esq., appearing as counsel for the Township of South Brunswick Planning Board, and the Court having received correspondence dated January 29, 2018 from Kenneth McPherson, Jr., Esq., counsel for South Brunswick Center, LLC, and the Court having considered the papers submitted, and for the reasons stated on the record on February 2, 2018, and for good cause shown:

IT IS on this 2nd day of February, 2018:

ORDERED that AvalonBay’s motion to enforce litigant’s rights is **DENIED**; and

IT IS FURTHER ORDERED that the parties may raise with the Court any objections to identified charged arrearages with specific support that the amount of arrears challenged are unreasonable and/or contrary to the October 21, 2016 Order of Judge Wolfson; and

IT IS FURTHER ORDERED that counsel for AvalonBay shall serve a copy of this Order upon all counsel of record within five (5) days of the date of this Order.


HON. ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

KATHLEEN SLOANE

Plaintiff,

V.

**JAKE PELTIER, ECONO MED
TRANSPORTATION, DANNA
NEZARIA and YAIR NEZARIA**

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

DOCKET NO.: MID-L-3241-16

Civil Action

ORDER

THIS MATTER comes before the Court by way of a motion to dismiss the complaint with prejudice pursuant to R. 4:23-5(a)(2) filed by Robert Kaplan, Esq., counsel for Danna Nezaria and Yaie Nezaria (“Defendants”), and by way of a motion to dismiss the complaint with prejudice pursuant to R. 4:23-5(a)(2) filed by Elizabeth Brennan, Esq., counsel for Jake Peltier and Econo-Med Transportation, Inc. (“Co-Defendants”), and William P. Mikita, Jr. having appeared on behalf of Kathleen Sloane (“Plaintiff”) on February 2, 2018, and the court having considered the papers submitted, and for the reasons stated on the record on February 2, 2018, and for good cause shown:

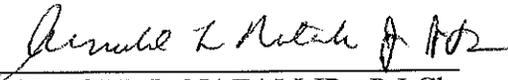
IT IS on this 2nd day of February, 2018:

ORDERED that Defendants’ and Co-Defendants’ motions to dismiss the complaint with prejudice pursuant to R. 4:23-5(a)(2) are adjourned to February 16, 2018. Plaintiff’s counsel may appear telephonically for oral argument at 12:00 p.m. on February 16, 2018; and

IT IS FURTHER ORDERED that, seven (7) days prior to the return date of the motions, Plaintiff’s counsel shall “file and serve an affidavit reciting that the client was previously served as required by subparagraph (a)(1) [of R. 4:23-5] and has been served with an additional notification, in the form prescribed by Appendix II-B, of the pendency of the motion to dismiss or

suppress with prejudice.” R. 4:23-5(a)(2). Plaintiff’s counsel shall also append to the affidavit copies of the aforementioned form prescribed by Appendix II-B sent to Plaintiff; and

IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of this Order upon all counsel of record within five (5) days of the date of this Order.


HON. ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali, Jr., P.J. Ch.
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, New Jersey 08903

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

KRYZSTOF JAJE AND AGNIESZKA JAJE,

**EDDIE CADDELL AND LORETTA
CADDELL,**

**STANLEY PRENENSKI AND ROSE
PRENENSKI,**

JOHN CASTRO AND CAROL E. CASTRO

PLAINTIFFS,

vs.

**UNITED AIR SPECIALISTS, FIKE
CORPORATION, SUPPRESSION SYSTEMS
INCORPORATED, AND FABER
ASSOCIATES, INC.**

DEFENDANTS,

vs.

**SUN CHEMICAL CORPORATION AND U.S.
INK CORPORATION**

THIRD-PARTY DEFENDANTS.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION**

MIDDLESEX COUNTY

**CONSOLIDATED UNDER:
DOCKET NO. L-5595-14**

CIVIL ACTION

ORDER

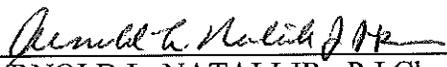
THIS MATTER having come before the Court by way of a motion to compel discovery filed by Susan Valinis, Esq., having appeared as counsel for Fike Corporation and Suppression Systems Inc. ("Defendants"), and the Court having reviewed the papers submitted, and for good cause shown:

IT IS, on this 2nd day of January, 2018,

ORDERED that Defendants' motion is **DENIED WITHOUT PREJUDICE**; and

IT IS FURTHER ORDERED that the Defendants' application may be renewed upon providing proof of personal service of the subpoena duces tecum on Cintas Corporation, or evidence that Cintas Corporation accepted service of the subpoena duces tecum by alternative means. If Cintas Corporation fails to comply with the subpoena duces tecum, the Defendants may proceed by way of an order to show cause pursuant to R. 1:9-5 and R. 1:10-3. See NJ Cure v. Estate of Hamilton, 407 N.J. Super. 247 (App. Div. 2009); and

IT IS FURTHER ORDERED that Defendants shall serve a copy of this Order upon all parties within five (5) days of the date of this Order.


HON. ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

GINA RAHEB AND ROBERT RAHEB,

Plaintiffs,

v.

**QBE SPECIALTY INSURANCE
COMPANY, a corporation of the
State of New Jersey**

Defendant.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
CHANCERY DIVISION

DOCKET NO. MID-L-6215-17

CIVIL ACTION

ORDER

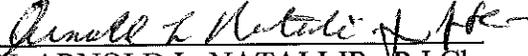
THIS MATTER having come before the Court by way of a motion to strike the Answer and suppress separate defenses without prejudice filed by Michael Chazkel, Esq., appearing as counsel for Gina Raheb and Robert Raheb (“Plaintiffs”), and the Court having received opposition by Gene Kang, Esq., appearing as counsel for QBE Specialty Insurance Company (“Defendant”), and the Court having considered the papers submitted, and for good cause shown:

IT IS on this 2nd day of February, 2018:

ORDERED that as Defendant has provided responses to the outstanding interrogatories and document demands, see Exhibit 1 to Certification of Gene Y. Kang, Esq., the application to dismiss without prejudice pursuant to R. 4:23-5(a)(1) is **DENIED** and subject to the following:

1. Within five (5) days of the date of this Order, Defendant shall produce all documents referenced in the aforementioned discovery responses. Defendant shall also produce, within five (5) days of the date of this Order, a privilege log for any document withheld from production on the basis of a recognized privilege.
2. Nothing in this Order shall preclude Plaintiffs from filing a separate application seeking more specific answers and/or documents to Defendant’s discovery responses. Prior to any such motion, however, the parties must meet and confer in accordance with R. 1:6-2(c).
3. The Court will not accept sur-replies without the party seeking to file the sur-reply first obtaining leave of Court for the submission.

IT IS FURTHER ORDERED that Plaintiffs shall serve a copy of this Order upon all parties and counsel of record within five (5) days of the date of this Order.


HON. ARNOLD L. NATALI JR., P.J.Ch.

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

**SB BUILDING ASSOCIATES, L.P., SB
MILLTOWN INDUSTRIAL REALTY
HOLDINGS, L.L.C., and ALSOL CORP.,**

Plaintiffs,

vs.

**THE PLANNING BOARD OF THE
BOROUGH OF MILLTOWN, THE
BOROUGH OF MILLTOWN, and
BORAIE DEVELOPMENT, L.L.C.,**

Defendants.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
LAW DIVISION

CIVIL ACTION

DOCKET NO. MID-L-9439-06

ORDER

THIS MATTER having come before the Court by way of a motion to bar the introduction of expert reports and testimony filed by Donna M. Jennings, Esq., and Richard J. Byrnes, Esq., appearing as special counsel for the Borough of Milltown, Mayor and Council of the Borough of Milltown, and Milltown Ford Avenue Redevelopment Agency (“Defendants”), and Stephen Eisdorfer, Esq., appearing as counsel for SB Building Associates, L.P., SP Milltown Industrial Realty Holdings, LLC, and ALSOL Corp. (“Plaintiffs”), and the Court having considered the papers, and for the reasons stated on the record on February 2, 2018, and for good cause shown:

IT IS on this 2nd day of February, 2018:

ORDERED that Defendants’ motion to bar Plaintiffs from introducing expert reports and testimony is **DENIED WITHOUT PREJUDICE**; and

IT IS FURTHER ORDERED that the Plaintiffs may proceed with rebuttal testimony in accordance with the Court’s October 16, 2017 Order; and

IT IS FURTHER ORDERED that counsel for Defendants serve a copy of this Order upon all counsel of record within five (5) days of its online posting.



HON. ARNOLD L. NATALI JR., P.J. CL.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

**GREAT AMERICAN ASSURANCE
COMPANY**

Plaintiff,

V.

**NEW YORK MARINE & INSURANCE
COMPANY, PROSIGHT SPECIALTY
INSURANCE, TRANSPORT N.I., INC.,
PEIO, INC., IOSEBI ONIKASHVILI
AND JONATHAN VALDEZ,**

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:MIDDLESEX COUNTY
DOCKET NO.: MID-L-6339-16

Civil Action

ORDER

THIS MATTER comes before the Court by way of a motion to pay counsel fees filed by Stephen Katzman, Esq., counsel for Great American (“Plaintiff”), and opposition having been filed by Paul Daly, Esq., counsel for New York Marine & General Insurance Co. (“Defendant”), and the court having considered the papers submitted, and for the reasons stated on the record on February 2, 2018, and for good cause shown:

IT IS on this 2nd day of February, 2018:

ORDERED that Plaintiff’s motion for counsel fees is **GRANTED IN PART** and **DENIED IN PART WITHOUT PREJUDICE**; and

IT IS FURTHER ORDERED that Defendant is obligated to pay Plaintiff’s attorneys’ fees and costs for the prosecution of the declaratory judgment action. The Court shall issue a written decision with respect to the amount of attorney’s fees and costs that Defendant is obligated to pay under the appropriate lodestar analysis; and

IT IS FURTHER ORDERED that the Defendant had a duty to defend Iosebi Onikashvili in the underlying personal injury action and shall be liable for Plaintiff’s attorneys’ fees and costs in defending the underlying action. The Court shall issue a written decision with respect to the

amount of attorney's fees and costs that Defendant is obligated to pay under the appropriate lodestar analysis; and

IT IS FURTHER ORDERED that, with respect to Plaintiff's request for reimbursement of their attorneys' fees and costs for defending PEIO, Inc. in the underlying personal injury action, the parties shall submit supplemental briefing with respect to Defendant's purported duty to defend PEIO, Inc. on or before February 16, 2018. The parties shall appear for oral argument on request with respect to the issue of Defendant's duty to defend PEIO, Inc.;

IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of this Order upon all counsel of record within five (5) days of the date of this Order.

Arnold L. Natali Jr.

HON. ARNOLD L. NATALI JR., P.J.Ch.

Ben Z. Raindorf, Esq. – 031622011
Anita J. Murray, Esq. - 17131999
PARKER IBRAHIM & BERG LLC
270 Davidson Avenue, 5th Floor
Somerset, New Jersey 08873
Phone: (908) 725-9700
Fax: (908) 333-6230
ben.raindorf@piblaw.com
anita.murray@piblaw.com
Attorneys for Plaintiff,
U.S. Bank National Association, as Trustee, in trust
for and f/b/o of the Certificateholders of Multi-Class
Mortgage Pass-Through Certificates ChaseFlex
Trust, Series 2006-2

FILED

FEB 05 2018

ARNOLD L. NATALI JR., P.J.Ch.

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE, IN TRUST FOR AND F/B/O OF
THE CERTIFICATEHOLDERS OF
MULTICLASS MORTGAGE PASS-
THROUGH CERTIFICATES CHASEFLEX
TRUST, SERIES 2006-2,

Plaintiff,

vs.

LISA BARTLEY AND MR. BARTLEY, HER
HUSBAND; THOMAS BARTLEY;
NEHMAD PERILLO & DAVIS, PC F/K/A
PERSKIE NEHMAD & PERILLO, PC;
JAMES SASSO; TD BANK, N.A.,
SUCCESSOR BY MERGER TO
COMMERCE BANK, N.A.; SUNNOVA
ASSET PORTFOLIO 5, LLC; STATE OF
NEW JERSEY,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No.: F-010576-17

Civil Action

ORDER

THIS MATTER having been opened to this Court by Parker Ibrahim & Berg LLC, attorneys for Plaintiff U.S. Bank National Association, as Trustee, in trust for and f/b/o of the Certificateholders of Multi-Class Mortgage Pass-Through Certificates ChaseFlex Trust, Series

2006-2 ("Plaintiff"), pursuant to R. 4:46, and on notice to Defendants Lisa Bartley and Thomas Bartley ("Defendants"), through their counsel, for an order: (i) reinstating Plaintiff's claims against Defendant Thomas Bartley; (ii) entering summary judgment in favor of Plaintiff; (iii) striking and dismissing Defendants' Answer, Affirmative Defenses, and Counterclaim with prejudice; (iv) returning this matter to the Office of Foreclosure to proceed as an uncontested matter; and (v) for such other relief as this Court may deem just and proper, and this Court having considered the submissions of the parties and for good cause shown:

and for the reasons stated on the record on 2.5.18

IT IS ON THIS 5th day of February, 2018,

ORDERED THAT:

1. Plaintiff's claims against Defendant Thomas Bartley are reinstated;
2. Summary judgment be and is hereby entered in favor of Plaintiff on the merits of this mortgage foreclosure action;
3. Defendants Lisa Bartley's and Thomas Bartley's Answer, Affirmative Defenses and Counterclaim are hereby stricken and dismissed, with prejudice;
4. This matter shall be transferred to the Foreclosure Unit of the Superior Court of New Jersey in Trenton, New Jersey to proceed as an uncontested matter; and
5. Plaintiff's counsel shall serve a copy of this Order on counsel for Defendants within seven (7) days of counsel's receipt of this Order.

Arnold L. Natali, Jr.

Hon. Arnold L. Natali, Jr., P.J.Ch.

This matter was:

Opposed _____

Unopposed ✓

FILED

FEB 05 2018

ARNOLD L. NATALI JR., P.J.Ch.

16-100880

RAS CITRON, LLC

By: Jason B. Rojas, Esquire – ID #113152014

130 Clinton Road, Suite 202

Fairfield, NJ 07004

(973)575-0707

Attorneys for Plaintiff

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, PLAINTIFF,

V.

ZORAIDA BETANCES; ET AL. DEFENDANT

SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MIDDLESEX COUNTY

DOCKET NO. F-026071-16

CIVIL ACTION

ORDER DENYING DEFENDANT'S OBJECTION TO ENTRY OF FINAL JUDGMENT

THIS MATTER having been brought before the Court on Motion of Defendant, ZORAIDA BETANCES, appearing Pro Se, appearing against Plaintiff, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, with, RAS CITRON LLC, Jason B. Rojas, Esquire, appearing on behalf of Plaintiff, objecting to Plaintiff's Motion for Entry of Final Judgment herein, and the Court having considered the matter and for good cause appearing, *and for the reasons stated on the record on 2.5.18*

IT IS on this *5th* day of *February* 2018, ORDERED:

- 1. Defendant's Objection to Entry of Final Judgment is hereby DENIED; and
- 2. The matter shall be returned to the Office of Foreclosure to proceed with entry of Final Judgment as soon as practical.

*① Denied without prejudice. **

② Counsel for Plaintiff shall serve a copy of this Order on all parties within five (5) of its posting on e-Courts.

Arnold L. Natali, Jr.
Honorable Arnold L. Natali, Jr., P.J. Ch.

Opposed
 Unopposed

** Plaintiff may renew this application with a supplemental certification of Naomi Feistel that addresses all elements of the business records exception to the hearsay rule. See N.J. R. Evid. 803(c)(6). The supplemental certification shall also address any records relied upon from a previous service of entry. See Naomi Feistel v. 6.27.17 certification; Wells Fargo v. Ford, 418 N.J. Super 542 (App. Div. 2011); Hahnemann v. Audruck, 292 N.J. Super. 11, 17-18 (App. Div. 1996)*

③ Defendant may reply to any supplemental submission in accordance with the n.j. Court Rules.

FILED

FEB 05 2018

ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

| | |
|-----------------------------------|------------------------------|
| U.S. BANK NATIONAL ASSOCIATION, : | SUPERIOR COURT OF NEW JERSEY |
| AS TRUSTEE FOR CREDIT SUISSE : | CHANCERY DIVISION |
| FIRST BOSTON MORTGAGE : | MIDDLESEX COUNTY |
| SECURITIES CORP., CSMC/ : | |
| MORTGAGE-BACKED PASS- : | DOCKET NO.: F-38041-09 |
| THROUGH CERTIFICATES, SERIES : | |
| 2006-1, : | |
| PLAINTIFF, : | CIVIL ACTION |
| v. : | |
| MOHAMMAD A. SHEIKH, ET AL., : | ORDER |
| DEFENDANTS : | |

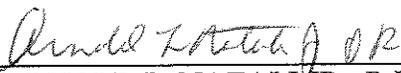
THIS MATTER having come before the Court by way of a Opposition to Entry of Final Judgment filed by James K. Grace, of James K. Grace, P.C., appearing as counsel for Mohammad A. Sheikh ("Defendant"), and the Court having considered the submissions of the parties and having heard the arguments of counsel, for good cause having been shown, and for the reasons stated on the record on February 5, 2018:

IT IS on this 5th day of February, 2018:

ORDERED that Defendant's opposition to Final Judgment is hereby DENIED; and

IT IS FURTHER ORDERED that the Plaintiff may proceed to Final Judgment and the matter shall remain with the Office of Foreclosure as an uncontested foreclosure; and

IT IS FURTHER ORDERED that counsel for Plaintiff shall serve a copy of this Order upon all counsel of record within five (5) days of the date of this Order.


HON. ARNOLD L. NATALI JR., P.J.Ch.

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

**Riverbend Townhouse Owners
Association, Inc.,**
Plaintiff,

v.

Best T. Fumador, et. al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO. F-33946-15

CIVIL ACTION

ORDER

THIS MATTER having come before the Court by way of a Motion to Vacate Final Judgment, filed by Best and Gloria Fumador, *Pro Se.* (“Plaintiffs”), and opposition having been filed by Tiffany Byczkowski, counsel for Riverbend Townhouse Owners Association, Inc (“Defendant”), and the parties having appeared before the Court on February 2, 2018 for oral argument, and the Court having considered the papers submitted, and for the reasons stated on the record on February 2, 2018, and for good cause shown:

IT IS on this 2nd day of February, 2018:

ORDERED that the motion is carried until February 16, 2018; and

IT IS FURTHER ORDERED that by February 9, 2018, the Plaintiff must file supplemental material supporting the amount of \$3,680.00 in Assessment Liens and \$7,699.75 in attorneys’ fees in the August 7, 2017, Final Judgment Order. Defendant may respond to the supplemental material by February 14, 2018; and

IT IS FURTHER ORDERED that the Court shall mail Defendants a copy of this Order. The Court shall serve a copy of this Order upon all other parties via Ecourts.



HON. ARNOLD L. NATALI JR., P.J.Ch.

The Honorable Arnold L. Natali Jr., P.J.Ch.
Superior Court of New Jersey
56 Paterson Street
Post Office Box 964
New Brunswick, New Jersey 08903

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

Wells Fargo Bank, N.A.,

Plaintiff,

v.

Blanca Vallejo,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO. F-37743-15

CIVIL ACTION

ORDER

THIS MATTER having come before the Court by way of a Motion for Entry of Final Judgment, filed by Fein Such Kahn & Shepard PC, counsel for Wells Fargo Bank, N.A. (“Plaintiffs”), and an objection to amount due having been filed by Joseph Chang, Esq., counsel for the Blanca Vallejo (“Defendant”), and the parties having appeared before the Court on February 2, 2018 for oral argument, and the Court having considered the papers submitted, and for the reasons stated on the record on February 2, 2018, and for good cause shown:

IT IS on this 2nd day of February, 2018:

ORDERED that the motion is DENIED WITHOUT PREJUDICE; and

IT IS FURTHER ORDERED that by February 23, 2018, the Plaintiff must file supplemental material supporting the amount due. Defendant may respond to the supplemental material by February 27, 2018; and

IT IS FURTHER ORDERED that additional oral argument will be scheduled for March 2, 2018; and

IT IS FURTHER ORDERED that the Court shall serve a copy of this Order upon all other parties via Ecourts.



HON. ARNOLD L. NATALI JR., P.J.Ch.

FILED

FEB 02 2018

FILED
FEB 02 2018
ARNOLD L. NATALI, JR., P.J.Ch.
ARNOLD L. NATALI, JR., P.J.Ch.

ARNOLD L. NATALI, JR., P.J.Ch.
Proposed By, Attorney for Defendant, Marlene Diaz

Wells Fargo Bank NA,

Plaintiff,

vs.

Marlene Diaz and Javier
Diaz, EtAl.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY

CHANCERY DIVISION
GENERAL EQUITY

DOCKET NO: F-2545-15

CIVIL ACTION

PROPOSED ORDER

~~OBJECTION TO AND MOTION
TO VACATE SALE~~

THIS MATTER having come before the Court on the Defendant, Marlene Diaz's Objection to and Motion to Vacate Sale of the foreclosed premises located at 7 Bucknell Road, Old Bridge, NJ 08859; and the Court having considered the matter, having reviewed the Motion and record in this cause and being otherwise advised by counsel in the premises, and for good cause shown: *and for the reasons stated on the record on February 2, 2018.*

IT IS ORDERED and Adjudged that Defendant's Motion to Vacate the Sheriff's Sale is hereby **GRANTED**. *Denied*

The Sheriff is hereby directed to Vacate and Set Aside the Sale dated November 29, 2017. *Denied*

~~This is a Final Order and may be subject of appeal.~~

Done and Ordered this 2nd day of ~~January~~, 2018. *February, 2018*

Arnold L. Natali, Jr.
Honorable Arnold L. Natali, Jr.

~~cc: Adrian Johnson, Esq.~~

~~William M. E. Powers III, Esq.~~

() Counsel have been provided a copy of this order in court on 2.2.18. The counsel shall serve their respective clients with a copy of this order within five (5) days.*

WNI15-007665
Shapiro & DeNardo, LLC
14000 Commerce Parkway, Suite B
Mount Laurel, NJ 08054
(856)793-3080
Chandra M. Arkema - 029552006
Krystin M. Alex - 171402015
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Charles G. Wohlrab - 016592012
Rebecca Cirrinicione - 031212012
Courtney A. Martin - 098782016
Jeffrey Rappaport - 003431991
Attorneys for Plaintiff

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

US Bank National Association, as Trustee for
GSMPS 2006-RP1

PLAINTIFF,

vs.

Carlos Lopez; Angela Magana; Helen X.
Sanchez; Pat-Mat Group LLC dba
Commission Express of a Central New Jersey;
American Honda Finance Corp.; County of
Middlesex; State of New Jersey; Manuel
Mercado; United States of America

DEFENDANTS

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No: F-012883-10
CIVIL ACTION

ORDER CORRECTING ORDER
ENTERED DECEMBER 1, 2017

THIS MATTER, being opened to the Court by Shapiro & DeNardo, LLC, counsel for Plaintiff, and it being represented to the Court that the legal description attached with the Motion to Reform filed on November 7, 2017 contains an illegible Schedule A, and for good cause shown;

IT IS ON THIS 2nd day of February, 2018, ORDERED THAT:

1. Plaintiff's motion is GRANTED; and
2. A copy of this Order, including the legible schedule A shall be attached to the Order granted December 1, 2017, reforming the legal description within vesting Deed

recorded November 3, 2004, transferring ownership of the property commonly known as 191 South Plainfield Avenue, South Plainfield, NJ 07080 and more formally known as Lot 19, Block 267 of the Tax Map of Township of Borough of South Plainfield, State of New Jersey to Carlos Lopez and Angela Magana, recorded in the Middlesex County Clerk's Office on November 16, 2004 in Book 5410, Page 524; and

3. A copy of this Order including the legible schedule A shall be attached to the Order granted December 1, 2007, reforming the legal description within Plaintiff's Mortgage executed by Defendant(s) Carlos Lopez, married, and Angela Magana, married, made on November 3, 2004 as security for a promissory note in the amount of \$295,350.00 with interest from that date, recorded in the Middlesex County Clerk's Office on November 16, 2004 in Book 10177, Page 389 *et. seq.* and more formally known as Lot 19, Block 267 of the Tax Map of Township of Borough of South Plainfield, State of New Jersey; and

4. A copy of this Order is to be recorded in the Middlesex County Clerk's Office along with the Order granted December 1, 2017; and

5. A copy of this Order shall be served upon all defendants within seven (7) days of the date of Plaintiff's counsel's receipt of this Order.


Honorable Arnold L. Natali, Jr., P.J.Ch.

Papers Considered: *NUM, Certification, Exhibits, Proposed form of Order*
Motion Opposed _____
Motion Unopposed

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2 it therefore will be granted essentially for the reasons set forth in the moving papers *and for the reasons detailed by the Court on the record on 12.1.17*

REFERENCE NO: 444984/Magana

FILE NO: FYT006469

MATTER NO.

LEGAL DESCRIPTION

PROPERTY ADDRESS: 193 So Plainfield Ave
BLOCK AND LOT: Lot(s) 19, Block 267
CITY: Borough of South Plainfield
COUNTY: MIDDLESEX
DIMENSION: Irregular Lot Size
NEAREST CROSS ST: Situate on the northwesterly line of South Plainfield Avenue 517.75 feet from the southwesterly line of Oakland Avenue

All that tract or parcel of land and premises, situated, lying and being in the Borough of South Plainfield in the County of Middlesex and State of New Jersey, more particularly described as follows:

BEGINNING at a point in the Northwesterly sideline of South Plainfield Avenue (55 feet wide) distant 517.75 feet Southwesterly from the intersection of the same with the Southwesterly sideline of Oakland Avenue (50 feet wide) and from said point of beginning running; thence

(1) Along the said Northwesterly sideline of South Plainfield Avenue on a course of South 67 degrees 22 minutes 00 seconds West, 103.25 feet to a point; thence

(2) North 22 degrees 38 minutes 00 seconds West 130.64 feet to a point; thence

(3) North 59 degrees 09 minutes 00 seconds East 51.91 feet to a point; thence

(4) South 43 degrees 13 minutes 00 seconds East 147.67 feet to the point and place of BEGINNING.

NOTE FOR INFORMATION ONLY:

Being commonly known as Lot(s) 19 in Block(s) 267 (191 South Plainfield Avenue) on the Tax Map, Borough of South Plainfield, Middlesex County, New Jersey.

FILED

FEB 02 2018

ARNOLD L. NATALI JR., P.J.Ch.

FEIN, SUCH, KAHN & SHEPARD, P.C.
ROBERT E. SMITHSON, JR. - 000392012
7 Century Drive, Suite 201
Parsippany, New Jersey 07054
(973) 538-9300
SPSJ113
Attorney for Plaintiff

WELLS FARGO BANK, N.A., AS
TRUSTEE, FOR HARBORVIEW MORTGAGE
LOAN TRUST MORTGAGE LOAN
PASS-THROUGH CERTIFICATES, SERIES
2007-1

Plaintiff,

vs.

DOLORES ESTEVEZ, et al.

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO.: F-9959-13

CIVIL ACTION

ORDER VACATING THE AUGUST
14, 2017 STIPULATION OF
DISMISSAL AND DISMISSING
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC, AS
NOMINEE FOR COUNTRYWIDE
BANK, NA AND MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS INC, AS NOMINEE FOR
BANK OF AMERICA, NA FROM THE
ACTION.

This matter being opened to the Court by Fein, Such, Kahn & Shepard, P.C., attorneys for Plaintiff, WELLS FARGO BANK, N.A., AS TRUSTEE, FOR HARBORVIEW MORTGAGE LOAN TRUST MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2007-1, "Plaintiff"), upon Notice of Motion for an Order Vacating the Stipulation of Dismissal filed on August 14, 2017 and dismissing MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, AS NOMINEE FOR COUNTRYWIDE BANK, NA and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, AS NOMINEE FOR BANK OF AMERICA, NA, in the within action, and for good cause shown;

IT IS on this 2nd day of February, 2018;

ORDERED, that Plaintiff's Motion for an Order Vacating the

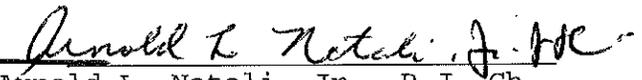
Stipulation of Dismissal filed on August 14, 2017 and dismissing MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, AS NOMINEE FOR COUNTRYWIDE BANK, NA and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, AS NOMINEE FOR BANK OF AMERICA, NA be and is hereby granted; and further

ORDERED, that the Stipulation of Dismissal filed on August 14, 2017 is hereby vacated; and further

ORDERED, that the within action be and is hereby reinstated; and further

ORDERED, that MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, AS NOMINEE FOR COUNTRYWIDE BANK, NA and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC, AS NOMINEE FOR BANK OF AMERICA, NA are hereby dismissed from this action; and further

ORDERED, that a true copy of this Order be served upon all parties within 5 days of the date of ~~receipt~~ ^{the posting of this} by Plaintiff's ~~counsel.~~ ^{Order on e-Courts.}


Hon. Arnold L. Natali, Jr., P.J. Ch.

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.

ITB15-007877
Shapiro & DeNardo, LLC
14000 Commerce Parkway, Suite B
Mount Laurel, NJ 08054
(856)793-3080
Chandra M. Arkema - 029552006
Krystin M. Alex - 171402015
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ARNOLD L. NATALI JR., P.J.Ch.

| | |
|--|---|
| <p>WELLS FARGO BANK, NA</p> <p>PLAINTIFF,</p> <p>vs.</p> <p>YVES JUDE LORQUET, HIS HEIRS, DEWISEES, AND PERSONAL REPRESENTATIVES, AND HIS, HER, THEIR OR ANY OF THEIR SUCCESSORS IN RIGHT, TITLE AND INTEREST, ET AL</p> <p>DEFENDANTS</p> | <p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MIDDLESEX COUNTY</p> <p>Docket No: F-034976-13</p> <p>CIVIL ACTION</p> <p>ORDER TO VACATE FINAL JUDGMENT AND WRIT OF EXECUTION AND DISMISS THE FORECLOSURE</p> |
|--|---|

This matter being opened to the Court by Shapiro & DeNardo, LLC, attorneys for plaintiff, and it appearing that the above entitled action has amicably settled between parties, and for good cause shown;

IT IS on this 2nd day of February, 2017,

ORDERED, that the Sheriff of MIDDLESEX County return the Writ of Execution into Court marked "unsatisfied"; and it is further

ORDERED, the Final Judgment entered in the above entitled action on July 1, 2015 and the Writ of Execution issued on July 1, 2015 be and the same are hereby vacated; and it is further

ORDERED, that the Mortgage and Note be reinstated, and it is further

ORDERED, that the above entitled action is hereby dismissed without prejudice and without costs, in favor of or against any party,


Honorable Arnold L. Natali, Jr., P.J. Ch.

Having reviewed the above motion, the Court finds it to be meritorious on its face and is unopposed. Pursuant to R. 1:6-2, it therefore will be granted essentially for the reasons set forth in the moving papers.