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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-4325-15T3

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS INDENTURE
TRUSTEE UNDER THE INDENTURE
RELATING TO IMH ASSETS CORP.,
COLLATERALIZED ASSET-BACKED
BONDS, SERIES 2005-4,

Plaintiff-Respondent,

v.

RICHARD EDWARDS and
SIMONE EDWARDS,

Defendants-Appellants.

Submitted September 11, 2017 – Decided October 11, 2017

Before Judges Accurso and O'Connor.

On appeal from Superior Court of New Jersey,
Chancery Division, Burlington County, Docket
No. F-031556-10.

Richard Edwards and Simone Edwards,
appellants, pro se.

Reed Smith LLP, attorneys for respondent
(Henry F. Reichner, of counsel and on the
brief).

PER CURIAM

In this mortgage foreclosure action, defendants Richard Edwards and Simone Edwards appeal from the May 27, 2016 General Equity Part order, which rejected their objections to the entry of a final judgment of foreclosure sought by plaintiff Deutsche Bank National Trust Company, as indenture trustee to IMH Assets Corporation. We affirm.

In 2005, defendant Richard Edwards executed a note made payable to Wells Fargo Bank, N.A. (Wells Fargo). Both defendants subsequently executed a mortgage, which was secured by investment property they owned. In 2010, defendants defaulted on the note. Thereafter, Wells Fargo assigned the mortgage to plaintiff and, five months later, plaintiff filed a complaint in foreclosure.

On June 15, 2012, the court granted plaintiff summary judgment, and held plaintiff could request the entry of final judgment of foreclosure from the Office of Foreclosure as an uncontested matter. The matter was dismissed for three years for lack of prosecution but, upon reinstatement of the complaint in 2015, plaintiff filed for the entry of final judgment. Defendants asserted various objections, but on May 27, 2016, the court rejected those objections and a final judgment in foreclosure was ultimately entered.

On appeal, defendants raise the following arguments for our consideration: (1) plaintiff never acquired the loan and thus did not have the authority to foreclose upon the subject mortgage; (2) plaintiff had no standing to prosecute the action in foreclosure because it never acquired the loan; (3) the monthly mortgage payments were never applied to the principal and interest of the loan; (4) the assignment of the mortgage is void; (5) defendants were never indebted to Wells Fargo because it never loaned them any money; (6) plaintiff is judicially estopped from making certain representations; (7) the court's conclusion the loan was "not a trust" is incorrect; (8) the court failed to take judicial notice of certain facts; (9) plaintiff's counsel engaged in misconduct; and (10) defendants were denied due process because the court "classified" defendants' matter as uncontested after the court entered summary judgment in plaintiff's favor.

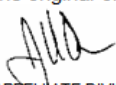
As for arguments one through nine, defendants fail to provide any support for the factual claims they assert in support of their arguments. It their responsibility to provide an adequate record for our review, see Rules 2:5-3, 5-4, 6-1, and the failure to match their arguments with the record not only undermines their arguments, but also hampers our review.

Moreover, defendants do not provide any authority for the legal contentions upon which they rely. This omission, compounded by the failure to provide factual support for the arguments they raise, is tantamount to failing to brief the issues asserted. The consequence of failing to brief an issue is waiver of that issue on appeal. Fantis Foods v. N. River Ins. Co., 332 N.J. Super. 250, 266-67 (App. Div. 2000); Pressler & Verniero, Current N.J. Court Rules, comment 5 on R. 2:6-2 (2017). Because none of the issues raised was properly briefed, they are waived.

As for the last argument, the foreclosure action was only deemed uncontested after plaintiff prevailed on its motion for summary judgment. As that procedure is dictated by Rule 4:64-1(c)(3), we find no error in the court returning the case to the Office of Foreclosure to proceed as an uncontested matter.

Affirmed.

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


CLERK OF THE APPELLATE DIVISION