

NAME  
ADDRESS  
TELEPHONE  
Defendant Pro Se

<hr/>		:	SUPERIOR COURT OF NEW JERSEY
		:	CHANCERY DIVISION
		:	_____ COUNTY
		:	
	Plaintiff,	:	DOCKET NO. F- _____
	vs.	:	Civil Action
		:	
		:	
	Defendant.	:	
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**CERTIFICATION IN SUPPORT OF DEFENDANT'S  
MOTION TO VACATE THE JUDGMENT PURSUANT TO R. 4:50-1**

- I am a defendant in this matter. I have personal knowledge of the facts set forth herein.
- The plaintiff filed a foreclosure complaint. A copy is attached hereto as **Exhibit A**.
- I did not file an Answer to the complaint because:

\_\_\_\_\_ I was not served with the complaint. I learned about the complaint when:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I got a copy of the complaint from: \_\_\_\_\_

OR

\_\_\_\_\_ I was served with the complaint on or about \_\_\_\_\_. When I received the complaint, I took the following actions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Default entered against me.

5. Final Judgment entered against me by default.
6. \_\_\_\_\_ I was served with a copy of the plaintiff's request for entry of final judgment.  
\_\_\_\_\_ I was not served with a copy of the plaintiff's request for entry of final judgment.
7. I went to the courthouse and got a copy of the documents filed by the plaintiff in its request for entry of final judgment. A copy of everything I received is attached as **Exhibit B.**
8. I respectfully request that this court vacate final judgment for the reasons set forth herein.
9. **Pursuant to R. 4:50-1(d) the judgment or order is void because the plaintiff lacks standing to foreclose.** The plaintiff is not the original lender. The Note is payable to \_\_\_\_\_ . The plaintiff is:  
\_\_\_\_\_.
10. The Plaintiff has not proven that it has been either the holder of the note or a nonholder in possession of the note with the right to enforce since the time the complaint was filed. Specifically:  
A. THE NOTE:  
A copy of a Note was included in the plaintiff's request for final judgment. That copy of the Note:  
\_\_\_\_\_ is not indorsed;  
\_\_\_\_\_ is indorsed, but is not indorsed to the plaintiff or in blank;  
\_\_\_\_\_ is indorsed, but indorsements appearing on the note are not dated
- B. THE CERTIFICATION OF AMOUNT DUE:  
Plaintiff's motion for entry of judgment was supported by a "Certification of Amount Due." The certification or affidavit of amount due does not provide facts to show that the plaintiff either held the note or was a non-holder with authority to enforce the note at the time the complaint was filed because:  
\_\_\_\_\_ the certification of amount due does not state that the plaintiff has physical possession of the note;  
\_\_\_\_\_ the certification does not identify the actual holder of the note;  
\_\_\_\_\_ the certification does not set forth facts that show that the actual holder of the note gave the plaintiff the right to enforce it;

\_\_\_\_\_ the certification does not set forth facts that show the dates when the above actions took place.

C. HEARSAY

The Certification of Amount due does not authenticate the note or establish that plaintiff is either a holder of the note or a non-holder with the authority to enforce the note because:

\_\_\_\_\_ it does not allege that the affiant has personal knowledge of transfer or possession of the note;

\_\_\_\_\_ it does not make out a business exception to the hearsay rule because it does not state:

\_\_\_\_\_ what writing the affiant reviewed in order to determine the plaintiff is a holder;

\_\_\_\_\_ who created the writing

\_\_\_\_\_ when the writing was created

\_\_\_\_\_ the normal practice for creating such a writing

D. I HAVE REASON TO BELIEVE THAT THE PLAINTIFF IS NOT THE HOLDER OF THE NOTE

\_\_\_\_\_ On \_\_\_\_\_ I visited Fannie Mae's website at <http://www.fanniemae.com/loanlookup>. According to the website, Fannie Mae owns my loan.

\_\_\_\_\_ On \_\_\_\_\_ I visited Freddie Mac's website at: <https://ww3.freddiemac.com/corporate>. According to the website, Freddie Mac owns my loan.

\_\_\_\_\_ On \_\_\_\_\_ I visited the website of Mortgage Electronic Recording Systems (MERS) at: <https://www.mers-servicerid.org/sjs> . According to the website

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owns my loan.

A copy of my search results are attached as **Exhibit C**.

**11. The judgment is void because the lender failed to serve me with a Notice of Intention to Foreclose (NOI) that meets the statutory mandates of the New Jersey Fair Foreclosure Act, N.J.S.A.2A:50-53 to 68 (FFA).**

\_\_\_\_\_ **I did not receive a Notice of Intention to Foreclose at all and I did not refuse any certified mail.**

\_\_\_\_\_ **The Notice of Intention to Foreclose fails to meet the statutory requirements.**  
The Notice of Intention to Foreclose does not identify or does not identify correctly:

\_\_\_\_\_ the name and address of the plaintiff

\_\_\_\_\_ the name and telephone number of the servicer (or of another representative I could contact if I disagree that I am in default or if I disagree with the calculation of the amount required to cure the default)

\_\_\_\_\_ the amount of money I need to tender to cure the default because it includes fees other than the amount that would have been due in the absence of a default (i.e., principal and interest).

\_\_\_\_\_ Other:

A copy of the Notice of Intention to Foreclose is attached as **Exhibit D**.

12. The plaintiff's attorney

\_\_\_\_\_ HAS

\_\_\_\_\_ HAS NOT

Filed a Certification of Diligent Inquiry.

13. If this motion is granted, I intend to file the Answer attached as **Exhibit E**.

**I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.**

**Dated:**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Pro Se Defendant**