

NAME
ADDRESS
TELEPHONE
Defendant Pro Se

<hr/>		:	SUPERIOR COURT OF NEW JERSEY
		:	CHANCERY DIVISION
		:	_____ COUNTY
		:	
	Plaintiff,	:	DOCKET NO. F- _____
	vs.	:	Civil Action
		:	
		:	
	Defendant.	:	
<hr/>		:	

**CERTIFICATION IN SUPPORT OF DEFENDANT'S
MOTION TO SET ASIDE DEFAULT PURSUANT TO R. 4:43-3**

- 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 has not entered.
6. Good cause for setting aside the default exists because the plaintiff does not have the right to foreclose. Specifically the plaintiff 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) in that:

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

OR

_____ **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 B**.

7. Good cause for setting aside the default exists because the plaintiff has not alleged facts that show that it has standing. Specifically, the complaint fails to allege sufficient facts to show that the plaintiff is the holder of the note:

_____ The plaintiff is not the original lender.

_____ The complaint does not allege that the plaintiff had physical possession of the Note at the time the complaint was filed with the Court;

_____ The complaint does not allege the date when the plaintiff received physical possession of the note;

In addition, the complaint fails to allege sufficient facts to show that the plaintiff is a non-holder of the note with the right to enforce it:

_____ The complaint does not identify a different party as the actual holder;

_____ The complaint does not identify when and how the actual holder of the note obtained possession of it;

_____ The complaint does not set forth facts that show that the actual holder gave the plaintiff the right to enforce the note

8. 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.freddie.mac.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/sis> . According to the website

owns my loan.

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

9. Attached as **Exhibit D** to this motion is a copy of the Answer and Case Information Statement that I will file if this motion is granted.

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