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US BANK NATIONAL ASSOCIATION, AS      : SUPERIOR COURT OF NEW JERSEY
TRUSTEE FOR CSAB MORTGAGE-BACKED     : APPELLATE DIVISION
PASS-THROUGH CERTIFICATES,          : DOCKET NO. A-000376-10T3
SERIES 2006-3                        :
                                       :
Plaintiff/Respondent,                : Civil Action
                                       :
                                       : On Appeal From:
vs.                                    : Superior Court Of New Jersey
                                       : Chancery Division, Essex County
MARYSE GUILLAUME; MR GUILLAUME,      : Docket No. F-26869-08
HUSBAND OF MARYSE GUILLAUME; EMILIO  :
GUILLAUME; MRS. EMILIO GUILLAUME,    :
HIS WIFE; CITY OF EAST ORANGE        :
                                       : Sat Below:
                                       : The Honorable Harriet Farber
Defendants/Appellants.                 : Klein, J.S.C.
                                       :
                                       :
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APPELLANTS' APPENDIX  
VOLUME II

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BRODERICK, NEWMARK & GRATHER  
 A PROFESSIONAL CORPORATION  
 20 SOUTH STREET, SUITE 3  
 MORRISTOWN, NEW JERSEY 07960  
 973-538-0084  
[ajbaldwin@bnlglawyers.com](mailto:ajbaldwin@bnlglawyers.com)  
 ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
 ATTORNEYS FOR DEFENDANTS/  
 APPELLANTS, MARYSE AND EMILIO  
 GUILLAUME

On the Brief: Alan J. Baldwin, Esq.

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VOLUME II

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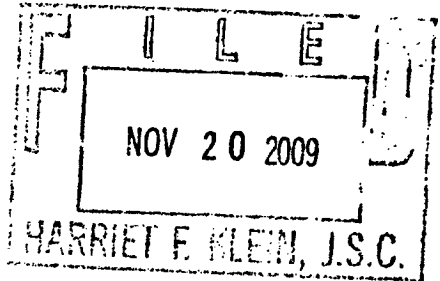
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**BRODERICK, NEWMARK & GRATHER**

A Professional Corporation  
20 South Street, Suite 3  
Morristown, NJ 07960  
973-538-0084

ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
Attorneys for Defendants, Maryse Guillaume and Emilio Guillaume

US BANK NATIONAL ASSOCIATION,	: SUPERIOR COURT OF NEW JERSEY
AS TRUSTEE FOR CSAB MORTGAGE-	: CHANCERY DIVISION-ESSEX COUNTY
BACKED PASS-THROUGH	:
CERTIFICATES, SERIES 2006-3	: Docket No: F-26869-08
	:
Plaintiff	: Civil Action
	:
vs.	: ORDER ON RETURN OF
	: ORDER TO SHOW CAUSE
	:
MARYSE GUILLAUME, ET AL	:
	:
Defendant	:

THIS MATTER was brought before the Court by Alan J. Baldwin, Esq. of the firm of Broderick, Newmark & Grather, on referral from Legal Services of New Jersey, on behalf of defendants, Maryse and Emilio Guillaume, by way of an Order to Show Cause. A ~~preliminary~~ <sup>temporary</sup> restraint <sup>of sheriff's sale</sup> was entered and the matter was set down for hearing on November 10, 2009. Opposition was submitted by Sharon McMahon, Esq. of the firm Phelan Hallinan & Schmieg on behalf of plaintiff. After considering the written materials submitted and the arguments of counsel, the Court rules as follows:

IT IS on the 20<sup>th</sup> day of November, 2009 ORDERED that:

*In the reasons set forth on the record on November 10, 2009,*  
1. ~~As to the~~ defendants' R.4:50-1(a) application *is granted*  
*in part as follows and denied in all other respects:*

- A. Defendants have failed to demonstrate that their delay in responding to the Summons and Complaint was excusable.
- B. The Court finds that defendants' allegations of a violation of the Truth in Lending Act on the part of the plaintiff is de minimis only and not grounds to vacate the Default Judgment.
- C. The plaintiff failed to comply with the Fair Foreclosure Act by failing to send a proper Notice of Intention to Foreclose. Plaintiff shall file with the Court <sup>a proof of service</sup> ~~and serve~~ on the defendants and defendants' counsel <sup>of</sup> a corrected Notice of Intention to Foreclose by November 25, 2009.
- D. The Court finds that the defendants have failed to establish a violation of the Consumer Fraud Act because the errors in the Truth in Lending Statement were de minimis and not intentional.

2. As to defendants' R.4:50-1(f) application, *the relief*  
*is denied.*

- A. The plaintiff was not required to follow Rules 1:4-4 and 1:6-6 when entering a Default Judgment against defendants in this mortgage foreclosure action, therefore, relief under this section is denied.

3. As to all issues:
- A. Defendants' motion is carried until January 15, 2010 at 9:00 a.m.
  - B. The Sheriff's sale of defendants' home shall not take place before January 26, 2010.
  - C. Any sale which may have taken place prior to that date is hereby vacated.
4. A copy of this Order shall be served on all parties within 7 days hereof.

  
HARRIET FARBER KLEIN, J.C.D.



Representing Lenders in  
Pennsylvania and New Jersey

**PHELAN HALLINAN & SCHMIEG, PC**  
400 Fellowship Road, Suite 100  
Mount Laurel, NJ 08054  
856-813-5500  
Fax: 856-813-5531  
Sharon.McMahon@fedphe.com

Sharon McMahon, Esquire  
Ext. 7674

November 23, 2009

Honorable Harriet Farber Klein, J.S.C.  
Superior Court of New Jersey  
Wilentz Justice Complex, 8th Floor  
212 Washington Street  
Newark, NJ 07102

RE: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB MORTGAGE-BACKED  
PASS-THROUGH CERTIFICATES, SERIES 2006-3 vs. MARYSE GUILLAUME, et al.  
Docket Number: F- 26869-08  
Our File No.: ASC-7044  
Property: 542 PROSPECT STREET, EAST ORANGE, NEW JERSEY 07017

Dear Judge Klein,

As you are aware, our office represents the Plaintiff in the above captioned matter. At the November 10, 2009, Order to Show Cause hearing, Your Honor adjourned the hearing to January 15, 2009 and requested that my client provided that Defendants and their counsel with a new Notice of Intent to Foreclose. Said Notice of Intent to Foreclose was to state the name of the servicing agent, as well as, the Plaintiff. A new Notice of Intent to Foreclose was sent to the Defendants and their counsel on November 20, 2009. I have also attached a copy hereto for the Court's review. The Notice of Intent to Foreclose now expires on November 23, 2009. It is my understanding that Defendant's Order to Show Cause will now be heard on the papers on January 15, 2009.

Respectfully Submitted,

Sharon McMahon, Esquire  
SM/azf

CC: Alan J. Baldwin, Esquire

**PHELAN HALLINAN & SCHMIEG, PC**

400 Fellowship Road

Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Fax: 856-813-5501

Rosemarie Diamond, Esquire  
Managing Partner for New Jersey

Representing Lenders in  
Pennsylvania and New Jersey

November 20, 2009

*This is an attempt to collect a debt  
and any information obtained will  
be used for that purpose.*

Maryse Guillaume  
542 Prospect Street  
East Orange, NJ 07017

Via certified mail, return receipt requested and regular mail

(NOI - 1205326334)

RE: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB  
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3 vs.  
MARYSE GUILLAUME, et al

Our File No.: ASC-7044

Property Address: 542 Prospect Street, East Orange, NJ 07017

**NOTICE OF INTENTION TO FORECLOSE**

America's Servicing Company Servicer for US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 holds the Mortgage on your property located at 542 Prospect Street, East Orange, NJ 07017. The present principal balance of the mortgage is \$206,605.01.

Your mortgage is in serious default because you have not made the required payments. The total amount now required to cure this default, in other words, the amount required to bring your mortgage current to 12/15/09 is as follows:

**Monthly Payments:**

4/1/08 through 12/23/09

11 @ \$2,045.94	<u>\$22,505.34</u>
10 @ \$2,156.25	<u>\$21,562.50</u>

**Late Charges**

Accrued Late Charges

\$1,362.00

**Other Charges**

BPO/Inspection

\$437.25

**TOTAL:**

\$45,867.09

You have the right to cure the default within **THIRTY-THREE (33)** days of the date of this letter.

To cure this default, you must pay the amount of \$45,867.09 plus any additional monthly payment and late charge which may fall due during the thirty-three (33) day period after the date of this letter.

The payment must be mailed within thirty-three (33) days of the date of this letter to:

**Phelan Hallinan & Schmieg, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
(856) 813-5500**

The funds submitted for reinstatement must be in the form of certified check or money order only, and must be made payable to:

**America's Servicing Company**

If you do not cure the default within thirty-three (33) days of the date of this letter, America's Servicing Company intends to exercise its right to accelerate the mortgage payments, consider the mortgage in default and initiate foreclosure proceedings on your property.

**Monthly Payments:**  
4/1/08 through 12/23/09

11 @ \$2,045.94	<u>\$22,505.34</u>
10 @ \$2,156.25	<u>\$21,562.50</u>

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You have the right to cure your default, and bring you mortgage payments current, after the date of expiration of this letter, until the entry of the foreclosure judgment; however, you will be responsible for the court costs and attorney fees, calculated consistent with the Rules of the Superior Court, incurred in the foreclosure proceeding.

You have the right to transfer your interest in the mortgaged property to a third party, and the third party may cure the default as provided in this letter, if provided for in the mortgage documents.

You have the right to an attorney. If you are unable to obtain an attorney or otherwise afford an attorney, you may contact the New Jersey Bar Association or Lawyer Referral Service in the county in which the property is located. Attached to this correspondence is a list of the Legal Services and Legal Aid Offices by county in the State of New Jersey, and a list of the Lawyer Referral Services available in New Jersey.

There may also be financial assistance for curing your default available from organizations operated by the state or federal government, or non-profit organizations. The New Jersey State Commissioner of Banking promulgates a list of such organizations and a copy of that list is attached hereto.

If you have received a discharge of debt as part of a bankruptcy court proceeding, then the within notice does not constitute, nor is intended to be, a demand for payment, but rather, is offered for informational purposes only.

If you do not agree that a default of your mortgage has occurred or you dispute the amount provided for in curing that default, please contact:

America's Servicing Company  
3476 Stateview Blvd.  
Fort Mill, SC 29715  
877-216-8448

Very Truly Yours,  
Phelan Hallinan & Schmieg, PC

Jessie Hansbury



**PHELAN HALLINAN & SCHMIEG, PC**

400 Fellowship Road  
Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Fax: 856-813-5501

Rosemarie Diamond, Esquire  
Managing Partner for New Jersey

Representing Lenders in  
Pennsylvania and New Jersey

November 20, 2009

*This is an attempt to collect a debt  
and any information obtained will  
be used for that purpose.*

Emilio Guillaume  
542 Prospect Street  
East Orange, NJ 07017

Via certified mail, return receipt requested and regular mail

(NOI - 1205326334)

RE: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB  
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3 vs.  
MARYSE GUILLAUME, et al

Our File No.: ASC-7044

Property Address: 542 Prospect Street, East Orange, NJ 07017

**NOTICE OF INTENTION TO FORECLOSE**

America's Servicing Company Servicer for US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 holds the Mortgage on your property located at 542 Prospect Street, East Orange, NJ 07017. The present principal balance of the mortgage is \$206,605.01.

Your mortgage is in serious default because you have not made the required payments. The total amount now required to cure this default, in other words, the amount required to bring your mortgage current to 12/15/09 is as follows:

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**TOTAL:**

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To cure this default, you must pay the amount of \$45,867.09 plus any additional monthly payment and late charge which may fall due during the thirty-three (33) day period after the date of this letter.

The payment must be mailed within thirty-three (33) days of the date of this letter to:

**Phelan Hallinan & Schmiege, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
(856) 813-5500**

The funds submitted for reinstatement must be in the form of certified check or money order only, and must be made payable to:

**America's Servicing Company**

If you do not cure the default within thirty-three (33) days of the date of this letter, America's Servicing Company intends to exercise its right to accelerate the mortgage payments, consider the mortgage in default and initiate foreclosure proceedings on your property.

**You have the right to cure your default, and bring you mortgage payments current, after the date of expiration of this letter, until the entry of the foreclosure judgment; however, you will be responsible for the court costs and attorney fees, calculated consistent with the Rules of the Superior Court, incurred in the foreclosure proceeding.**

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**You have the right to an attorney. If you are unable to obtain an attorney or otherwise afford an attorney, you may contact the New Jersey Bar Association or Lawyer Referral Service in the county in which the property is located. Attached to this correspondence is a list of the Legal Services and Legal Aid Offices by county in the State of New Jersey, and a list of the Lawyer Referral Services available in New Jersey.**

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**America's Servicing Company  
3476 Stateview Blvd.  
Fort Mill, SC 29715  
877-216-8448**

**Very Truly Yours,  
Phelan Hallinan & Schmieg, PC**

**Jessie Hansbury**

**PHELAN HALLINAN & SCHMIEG, PC**

400 Fellowship Road

Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Fax: 856-813-5501

Rosemarie Diamond, Esquire  
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Pennsylvania and New Jersey

November 20, 2009

*This is an attempt to collect a debt  
and any information obtained will  
be used for that purpose.*

Maryse Guillaume  
C/o Broderick, Newmark & Grather  
20 South Street, Ste. 3  
Morristown, NJ 07960

Via certified mail, return receipt requested and regular mail

(NOI - 1205326334)

**RE: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB  
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3 vs.  
MARYSE GUILLAUME, et al**

Our File No.: ASC-7044

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The funds submitted for reinstatement must be in the form of certified check or money order only, and must be made payable to:

**America's Servicing Company**

If you do not cure the default within thirty-three (33) days of the date of this letter, America's Servicing Company intends to exercise its right to accelerate the mortgage payments, consider the mortgage in default and initiate foreclosure proceedings on your property.

You have the right to cure your default, and bring you mortgage payments current, after the date of expiration of this letter, until the entry of the foreclosure judgment; however, you will be responsible for the court costs and attorney fees, calculated consistent with the Rules of the Superior Court, incurred in the foreclosure proceeding.

You have the right to transfer your interest in the mortgaged property to a third party, and the third party may cure the default as provided in this letter, if provided for in the mortgage documents.

You have the right to an attorney. If you are unable to obtain an attorney or otherwise afford an attorney, you may contact the New Jersey Bar Association or Lawyer Referral Service in the county in which the property is located. Attached to this correspondence is a list of the Legal Services and Legal Aid Offices by county in the State of New Jersey, and a list of the Lawyer Referral Services available in New Jersey.

There may also be financial assistance for curing your default available from organizations operated by the state or federal government, or non-profit organizations. The New Jersey State Commissioner of Banking promulgates a list of such organizations and a copy of that list is attached hereto.

If you have received a discharge of debt as part of a bankruptcy court proceeding, then the within notice does not constitute, nor is intended to be, a demand for payment, but rather, is offered for informational purposes only.

If you do not agree that a default of your mortgage has occurred or you dispute the amount provided for in curing that default, please contact:

America's Servicing Company  
3476 Stateview Blvd.  
Fort Mill, SC 29715  
877-216-8448

Very Truly Yours,  
Phelan Hallinan & Schmieg, PC

Jessie Hansbury

**PHELAN HALLINAN & SCHMIEG, PC**

400 Fellowship Road

Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Fax: 856-813-5501

Rosemarie Diamond, Esquire  
Managing Partner for New Jersey

Representing Lenders in  
Pennsylvania and New Jersey

November 20, 2009

*This is an attempt to collect a debt  
and any information obtained will  
be used for that purpose.*

Emilio Guillaume  
C/o Broderick, Newmark & Grather  
20 South Street, Ste. 3  
Morristown, NJ 07960

Via certified mail, return receipt requested and regular mail

(NOI - 1205326334)

RE: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB  
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3 vs.  
MARYSE GUILLAUME, et al

Our File No.: ASC-7044

Property Address: 542 Prospect Street, East Orange, NJ 07017

**NOTICE OF INTENTION TO FORECLOSE**

America's Servicing Company Servicer for US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 holds the Mortgage on your property located at 542 Prospect Street, East Orange, NJ 07017. The present principal balance of the mortgage is \$206,605.01.

Your mortgage is in serious default because you have not made the required payments. The total amount now required to cure this default, in other words, the amount required to bring your mortgage current to 12/15/09 is as follows:

**Monthly Payments:**

4/1/08 through 12/23/09

11 @ \$2,045.94	<u>\$22,505.34</u>
10 @ \$2,156.25	<u>\$21,562.50</u>

**Late Charges**

Accrued Late Charges

\$1,362.00

**Other Charges**

BPO/Inspection

\$437.25

**TOTAL:**

\$45,867.09

You have the right to cure the default within THIRTY-THREE (33) days of the date of this letter.

To cure this default, you must pay the amount of \$45,867.09 plus any additional monthly payment and late charge which may fall due during the thirty-three (33) day period after the date of this letter.

The payment must be mailed within thirty-three (33) days of the date of this letter to:

**Phelan Hallinan & Schmieg, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
(856) 813-5500**

The funds submitted for reinstatement must be in the form of certified check or money order only, and must be made payable to:

**America's Servicing Company**

If you do not cure the default within thirty-three (33) days of the date of this letter, America's Servicing Company intends to exercise its right to accelerate the mortgage payments, consider the mortgage in default and initiate foreclosure proceedings on your property.



You have the right to cure your default, and bring you mortgage payments current, after the date of expiration of this letter, until the entry of the foreclosure judgment; however, you will be responsible for the court costs and attorney fees, calculated consistent with the Rules of the Superior Court, incurred in the foreclosure proceeding.

You have the right to transfer your interest in the mortgaged property to a third party, and the third party may cure the default as provided in this letter, if provided for in the mortgage documents.

You have the right to an attorney. If you are unable to obtain an attorney or otherwise afford an attorney, you may contact the New Jersey Bar Association or Lawyer Referral Service in the county in which the property is located. Attached to this correspondence is a list of the Legal Services and Legal Aid Offices by county in the State of New Jersey, and a list of the Lawyer Referral Services available in New Jersey.

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If you do not agree that a default of your mortgage has occurred or you dispute the amount provided for in curing that default, please contact:

America's Servicing Company  
3476 Stateview Blvd.  
Fort Mill, SC 29715  
877-216-8448

Very Truly Yours,  
Phelan Hallinan & Schmieg, PC

Jessie Hansbury

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure. It is recommended that you consult with your attorney.

American Credit Alliance, Inc.  
26 South Warren Street  
Trenton, NJ 08608  
(609) 393-5400

Atlantic Human Resources, Inc.  
1 South New York Avenue  
Atlantic City, NJ 08401  
(609) 348-4131

Citizen Action (Offices statewide)  
400 Main Street  
Hackensack, NJ 07601  
1-800-NJ OWNER  
(201) 488-2804

Consumer Credit Counseling Service of Central New Jersey  
1931 Nottingham Way  
Hamilton, NJ 08619  
(609) 586-2574

Consumer Credit Counseling Service of New Jersey  
185 Ridgedale Avenue  
Cedar Knolls, NJ 07927-1812  
(973) 267-4324

Fair Housing Council of Northern New Jersey  
131 Main Street  
Hackensack, NJ 07601  
(201) 489-3552

Garden State Consumer Credit Counseling, Inc.  
225 Willowbrook Road  
Freehold, NJ 07728  
1-800-992-4557

Housing Coalition of Central Jersey  
78 New Street  
New Brunswick, NJ 08901  
(732) 249-9700

Jersey Counseling & Housing Development, Inc.  
29 South Blackhorse Pike  
Blackwood, NJ 08012  
(856) 227-3683

Jersey Counseling & Housing Development, Inc.  
1840 South Broadway  
Camden, NJ 08104  
(856) 541-1000

Mercer County Hispanic Association  
200 E. State Street – 2 nd Floor  
Trenton, NJ 08607  
(609) 392-2446

Middlesex County Economic Opportunities Corporation  
1215 Livingston Avenue  
North Brunswick, NJ 08902  
(732) 790-3344

Monmouth County Human Services  
Housing Services Unit  
P.O. Box 3000  
Freehold, NJ 07728  
(732) 431-7998

Ocean Community Economic Action Now, Inc.  
22 Hyers Street  
Toms River, NJ 08753-0773  
(732) 244-2351, ext. 2

Paterson Coalition for Housing, Inc.  
262 Main Street, 5th Floor  
Paterson, NJ 07505  
(973) 684-5998

Paterson Task Force for Community Action, Inc.  
155 Ellison Street  
Paterson, NJ 07505  
(973) 279-2333

Tri-County Community Action Agency, Inc.  
110 Cohansey Street  
Bridgeton, NJ 08302  
(856) 451-6330

Urban League for Bergen County  
106 West Palisade Avenue  
Englewood, NJ 07631  
(201) 568-4988

Urban League for Essex County  
508 Central Avenue  
Newark, NJ 07101  
(973) 624-9535

Urban League of Union County  
288 North Broad Street  
Elizabeth, NJ 07208  
(908) 351-7200

Homelessness Prevention Program  
New Jersey Department of Community Affairs  
(866) 889-6270\*

\*Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the deed and mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

**ATLANTIC COUNTY  
LEGAL SERVICES**  
26 S. PENNSYLVANIA AVE.  
SUITE 100, 1<sup>ST</sup> FLOOR  
ATLANTIC CITY, NJ 08401  
(609)348-4200

**BERGEN COUNTY  
LEGAL SERVICES**  
61 KANSAS STREET  
HACKENSACK, NJ 07601  
(201)487-2166

**BURLINGTON COUNTY  
LEGAL SERVICES**  
107 HIGH STREET  
MOUNT HOLLY, NJ 08060  
(609)261-1088

**CAMDEN COUNTY  
LEGAL SERVICES**  
745 MARKET STREET  
CAMDEN, NJ 08102  
(856)964-2010  
OR 1-800-496-4570

**CAPE MAY COUNTY  
LEGAL SERVICES**  
1261 ROUTE 9 SOUTH  
CAPE MAY COURT HOUSE,  
NJ 08210  
(609)465-3001

**CUMBERLAND COUNTY  
LEGAL SERVICES**  
CUMBERLAND/SALEM  
22 E. WASHINGTON ST.  
BRIDGETON, NJ 08302-1933  
(856)451-0003 OR  
(856) 935-8047 AND  
**FARMWORKER PROJECT**  
71 EAST COMMERCE  
STREET  
BRIDGETON, NJ 08302  
(856) 455-0017

**ESSEX-NEWARK COUNTY  
LEGAL SERVICES**  
5 COMMERCE ST., 2<sup>ND</sup>  
FLOOR  
NEWARK, NJ 07102  
(973) 824-3000 OR  
(973) 624-4500

**GLOUCESTER COUNTY  
LEGAL SERVICES**  
47 NEWTON AVENUE  
WOODBURY, NJ 08096  
(856)848-5360

**HUDSON COUNTY  
LEGAL SERVICES**  
574 SUMMIT AVENUE  
JERSEY CITY, NJ 07306  
(201)792-6363

**HUNTERDON COUNTY  
LEGAL SERVICES**  
82 PARK AVENUE  
FLEMINGTON, NJ 08822  
(908)782-7979

**MERCER COUNTY  
LEGAL SERVICES**  
198 WEST STATE STREET  
TRENTON, NJ 08608  
(609) 695-6249

**MIDDLESEX COUNTY  
LEGAL SERVICES**  
**NEW BRUNSWICK OFFICE**  
317 GEORGE ST, SUITE 201  
NEW BRUNSWICK, NJ 08901  
(732)249-7600 OR  
**PERTH AMBOY OFFICE**  
313 STATE STREET, SUITE  
308  
PERTH AMBOY, NJ 08861  
(732) 324-1613

**MONMOUTH COUNTY  
LEGAL SERVICES**  
**FREEHOLD OFFICE**  
303 WEST MAIN ST., 3<sup>RD</sup>  
FLOOR  
FREEHOLD, NJ 07728  
(732)866-0020 OR  
**LONG BRANCH OFFICE**  
279 BROADWAY, SUITE 300  
LONG BRANCH, NJ 07740  
(732) 222-3338

**MORRIS COUNTY  
LEGAL SERVICES**  
30 SCHUYLER PLACE  
CN-900  
MORRISTOWN, NJ 07963  
(973)285-6911

**OCEAN COUNTY  
LEGAL SERVICES**  
**TOMS RIVER OFFICE**  
599 ROUTE 37 WEST  
TOMS RIVER, NJ 08753  
(732)341-2727 OR  
**LAKEWOOD OFFICE**  
LAKEWOOD MEDICAL  
PLAZA  
681 RIVER AVENUE, UNIT 2C  
LAKEWOOD, NJ 08701  
(732) 730-3054

**PASSAIC COUNTY  
LEGAL SERVICES**  
152 MARKET STREET  
PATERSON, NJ 07505  
(973) 523-2900

**SALEM COUNTY  
LEGAL SERVICES**  
*SEE CUMBERLAND COUNTY*

**SOMERSET COUNTY  
LEGAL SERVICES**  
34 W MAIN ST., STE 301  
SOMERVILLE, NJ 08876  
(908)231-0840

**SUSSEX COUNTY  
LEGAL SERVICES**  
4 PARK PLACE, SUITE 1  
NEWTON, NJ 07860  
(973)383-7400

**UNION COUNTY  
LEGAL SERVICES**  
60 PRINCE STREET  
ELIZABETH, NJ 07208  
(908)354-4340

**WARREN COUNTY  
LEGAL SERVICES**  
91 FRONT STREET  
P.O. BOX 65  
BELVIDERE, NJ 07823  
(908)475-2010

**HUNTERDON COUNTY  
LAWYER REFERRAL**  
P.O. BOX 573  
ANNANDALE, NJ 08801  
(908)735-2611

**MERCER COUNTY  
LAWYER REFERRAL**  
1245 WHITEHORSE-  
MERCERVILLE ROAD  
SUITE 420  
MERCERVILLE, NJ 08619  
(609)585-6200

**MIDDLESEX COUNTY  
LAWYER REFERRAL**  
87 BAYARD STREET  
NEW BRUNSWICK, NJ 08901  
(732)828-0053

**MONMOUTH COUNTY  
LAWYER REFERRAL**  
COURTHOUSE  
FREEHOLD, NJ 07728  
(732)431-5544

**MORRIS/SUSSEX/  
COUNTIES LAWYER  
REFERRAL**  
28 SCHUYLER PLACE  
MORRISTOWN, NJ 07960  
(973)267-5882

**OCEAN COUNTY  
LAWYER REFERRAL**  
COURTHOUSE, P.O. BOX 381  
TOMS RIVER, NJ 08753  
(732)240-3666

**PASSAIC COUNTY  
LAWYER REFERRAL**  
COURTHOUSE  
77 HAMILTON STREET  
PATERSON, NJ 07505  
(973)278-9223

**SALEM COUNTY  
LAWYER REFERRAL**  
(856)935-5629

**SOMERSET COUNTY  
LAWYER REFERRAL**  
10 NORTH BRIDGE ST.  
PO BOX 1095  
SOMERVILLE, NJ 08876  
(908)685-2323

**UNION COUNTY  
LAWYER REFERRAL**  
COURTHOUSE, 1ST FLOOR  
ELIZABETH, NJ 07207  
(908)353-4715  
*MON - THURS 10A.M.-1P.M.*

**WARREN COUNTY  
LAWYER REFERRAL**  
413 SECOND STREET  
BELVIDERE, NJ 07823  
(908) 387-1835

\*\*\*\*\*

**ATLANTIC COUNTY  
LAWYER REFERRAL**  
ATLANTIC COUNTY  
COURT HOUSE  
1201 BACHARACH BLVD.  
ATLANTIC CITY, NJ 08401  
(609)345-3444

**BERGEN COUNTY  
LAWYER REFERRAL**  
15 BERGEN STREET  
HACKENSACK, NJ 07601  
(201)488-0044

**BURLINGTON COUNTY  
LAWYER REFERRAL**  
45 GRANT STREET  
MOUNT HOLLY, NJ 08060  
(609)261-4862

**CAMDEN COUNTY  
LAWYER REFERRAL**  
1040 N. KINGS HWY.,  
SUITE 201  
CHERRY HILL, NJ 08034  
(856) 482-0620

**CAPE MAY COUNTY  
LAWYER REFERRAL**  
RT. 9, MAIN STREET  
P.O. BOX 425  
CAPE MAY COURTHOUSE,  
NJ 08210  
(609) 961-0172

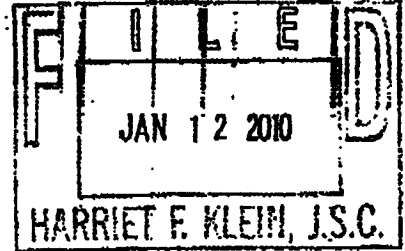
**CUMBERLAND COUNTY  
LAWYER REFERRAL**  
P.O. BOX 731  
MILLVILLE, NJ 08332  
(856) 825-2001

**ESSEX COUNTY  
LAWYER REFERRAL**  
354 EISENHOWER  
PARKWAY, PLAZA 2  
LIVINGSTON, NJ 07039  
(973) 533-6775

**GLOUCESTER COUNTY  
LAWYER REFERRAL**  
JUSTICE COMPLEX  
P.O. BOX 338  
WOODBURY, NJ 08096  
(856)848-4589

**HUDSON COUNTY  
LAWYER REFERRAL**  
583 NEWARK AVENUE  
JERSEY CITY, NJ 07306  
(201)798-2727  
2007

03/2007



**BRODERICK, NEWMARK & GRATHER**  
 A Professional Corporation  
 20 South Street, Suite 3  
 Morristown, NJ 07960  
 973-538-0084

ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
 Attorneys for Defendants, Maryse Guillaume and Emilio Guillaume

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB MORTGAGE- BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3  Plaintiff  vs.  MARYSE GUILLAUME, ET AL  Defendants	: SUPERIOR COURT OF NEW JERSEY : CHANCERY DIVISION-ESSEX COUNTY  : Docket No: F-26869-08  : Civil Action : <del>ADJOURNING</del> : ORDER <del>REGARDING</del> RETURN DATE : AND SHERIFF'S SALE
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THIS MATTER being brought before the Court by Defendants on notice to the Plaintiff and it appearing that this matter has been scheduled for mediation on March 22, 2010

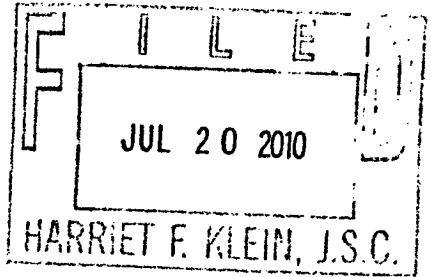
IT IS, therefore, on this 12<sup>th</sup> day of January, 2010

ORDERED that Defendants' motion presently returnable January 15, 2010 is carried until April 9, 2010, and further

ORDERED that the Sheriff's Sale of Defendants' property shall not occur before April 13, 2010, and further

ORDERED that a copy of this Order be served on all parties and within 7 days hereof.

*Harriet F. Klein*  
 HARRIET FARBEN KLEIN, J.C.D.  
*the Sheriff of Essex County*



**BRODERICK, NEWMARK & GRATHER**

A Professional Corporation  
20 South Street, Suite 3  
Morristown, NJ 07960  
973-538-0084

ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
Attorneys for Defendants, Maryse Guillaume and Emilio Guillaume

US BANK NATIONAL ASSOCIATION,	: SUPERIOR COURT OF NEW JERSEY
AS TRUSTEE FOR CSAB MORTGAGE-	: CHANCERY DIVISION-ESSEX COUNTY
BACKED PASS-THROUGH	:
CERTIFICATES, SERIES 2006-3	: Docket No: F-26869-08
	:
Plaintiff	: Civil Action
	:
vs.	: ORDER
	:
MARYSE GUILLAUME, ET AL	:
	:
Defendant	:

THIS MATTER being brought before the Court by Order to Show Cause filed on behalf of the defendants by their attorney, Alan J. Baldwin, Esq. on assignment from Legal Services of New Jersey, and opposition having been filed on behalf of the plaintiff by its attorneys, Phelan, Hallinan & Schmieg, P.C., and in consideration of the arguments of counsel made during a telephonic hearing on July 8, 2010,

IT IS on this 20<sup>TH</sup> day of July, 2010 ORDERED as follows:

1. Plaintiff shall serve on the defendants a notice of intention to foreclose in compliance with N.J.S.A. 2A:50-56 on or before July 15, 2010.

2. Plaintiff shall file with the Court and serve on counsel a Certification of Service.
3. The Sheriff's sale of the defendants' property is adjourned until August 31, 2010 and any such sale taking place before that date is hereby vacated.
4. A copy of this Order shall be served on all parties within 5 days hereof.



HARRIET FARBER KLEIN, J.C.D.



**BRODERICK, NEWMARK & GRATHER**

A Professional Corporation  
20 South Street, Suite 3  
Morristown, NJ 07960  
973-538-0084

ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
Attorneys for Defendants, Maryse Guillaume and Emilio Guillaume

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB MORTGAGE- BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION-ESSEX COUNTY
	:	
Plaintiff	:	Docket No: F-26869-08
	:	
vs.	:	Civil Action
	:	
MARYSE GUILLAUME, ET AL	:	CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION TO DISMISS
	:	
Defendant	:	
	:	

ALAN J. BALDWIN, ESQ., certifies as follows:

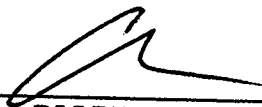
1. He is an attorney at law of the State of New Jersey and a partner with the firm of Broderick, Newmark & Grather, attorneys, on assignment from Legal Services of New Jersey, for defendants, Maryse and Emilio Guillaume.
2. Attached to this Certification as Exhibit A is a copy of an Order dated November 20, 2009.
3. Attached to this Certification as Exhibit B is a copy of a letter dated November 23, 2009 from Sharon McMahon, Esq. to the Court which has attached to it a November 20, 2009 letter (the NOI) from Jessie Hansbury to Maryse Guillaume.

4. Attached hereto as Exhibit C is an accurate copy of a letter dated December 2, 2009 sent by Alan J. Baldwin to the Honorable Harriet Farber Klein, J.C.D.

5. Attached to this Certification as Exhibit D is an accurate copy of an Order dated July 20, 2010.

6. Attached to this Certification as Exhibit E is an accurate copy of a Notice of Intention to Foreclose addressed to Maryse Guillaume dated July 15, 2010 and received by Alan J. Baldwin on July 19, 2010.

I certify that the above statements are true. I am aware that if any of the above statements are willfully false I am subject to punishment.

  
ALAN J. BALDWIN

Dated: July 23, 2010



# EXHIBIT "A"

Da190



# EXHIBIT "B"

Da191

**BRODERICK, NEWMARK & GRATHER**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

20 SOUTH STREET

SUITE 3

MORRISTOWN, N.J. 07960

(973) 538-0084

FAX (973) 538-2509

[www.bnglawyers.com](http://www.bnglawyers.com)

EDWARD F. BRODERICK, JR.\*  
MARTIN NEWMARK  
FRANCIS G. GRATHER\*  
ALAN J. BALDWIN\*

\* CERTIFIED BY THE SUPREME COURT  
OF N.J. AS A CIVIL TRIAL ATTORNEY  
\* FELLOW AMERICAN ACADEMY OF  
MATRIMONIAL LAWYERS

E. F. BRODERICK (1929-1987)  
I. EZRA NEWMARK (1925-1979)

December 2, 2009

Honorable Harriet Farber Klein, J.C.D.  
Wilentz Justice Complex, 8<sup>th</sup> Floor  
212 Washington Street  
Newark, NJ 07102

Re: US Bank National Association, As Trustee for CSAB Mortgage-Backed  
Pass-Through Certificates, Series 2006-3 v. Guillaume, et al  
Docket No. F-26869-08

Dear Judge Klein:

I write to you in response to the November 23, 2009 letter, with attachments, sent to you by Ms. McMahon, counsel for plaintiff. For the reasons which follow, I do not believe that the letter sent by plaintiff to my clients complies with N.J.S.A. 2A:50-56.

That statute provides in pertinent part as follows:

- a. Upon failure to perform any obligation of a residential mortgage by the residential mortgage debtor and before any residential mortgage lender may accelerate the maturity of any residential mortgage obligation and commence any foreclosure or other legal action to take possession of the residential property which is the subject of a mortgage, the residential mortgage lender shall give the residential mortgage debtor notice of such intention at least thirty days in advance of such action as provided in this section...

Exhibit C

December 2, 2009

Page 2

- c. The written notice shall clearly and conspicuously state in a manner calculated to make the debtor aware of the situation: (11) the name and address of the lender and the telephone number of a representative of the lender who the debtor may contact...
- f. Compliance with this section shall be set forth in the pleadings of any legal action referred to in this section... (Emphasis added)

The opening paragraph of the new NOI states:

America's Servicing Company Servicer for US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 holds the Mortgage on your property located at 542 Prospect Street, East Orange, NJ 07107.

This statement does not correct the deficiency in the NOI brought to the Court's attention by the defendants on the return date of the Order to Show Cause. The above quoted statute specifically requires the mortgage holder, to identify in the NOI the name and address of the mortgage holder. The above quoted language from the new NOI does not state the address of the mortgage holder and continues the falsehood asserted by the plaintiff that America's Servicing Company is the holder of the mortgage. Thus, the new NOI does not satisfy the statute.

Judge Levy signed the Order to Show Cause submitted by the defendants on September 23, 2009. The plaintiff has been on notice since at least that date that the defendants take issue with the way the plaintiff has disregarded the requirements of the Fair Foreclosure Act. Over two months later the plaintiff has still not complied with the Act. It is for this reason, therefore, that I again ask that the

December 2, 2009

Page 3

Court dismiss this foreclosure matter without prejudice. Given the way the plaintiff has handled the matter, it is clear that is the only way that the defendants can gain the protections the Fair Foreclosure Act was intended to provide.

Respectfully submitted,



Alan J. Baldwin

AJB:mno

cc: Sharon McMahon, Esq.  
Maryse and Emilio Guillaume



# EXHIBIT "D"

Da195



**PHELAN HALLINAN & SCHMIEG, PC**

400 Fellowship Road

Suite 100

Mt. Laurel, NJ 08054

856-813-5500

Fax: 856-813-5501

Rosemarie Diamond, Esquire  
Managing Partner for New Jersey

Representing Lenders in  
Pennsylvania and New Jersey

July 15, 2010

*This is an attempt to collect a debt  
and any information obtained will  
be used for that purpose.*

Maryse Guillaume  
C/o Broderick, Newmark & Grather  
20 South Street, Ste. 3  
Morristown, NJ 07960  
Via certified mail, return receipt requested and regular mail

(NOI - 1205326334)

RE: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB  
MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3  
vs. MARYSE GUILLAUME, et al  
Our File No.: ASC-7044  
Property Address: 542 Prospect Street, East Orange, NJ 07017

**NOTICE OF INTENTION TO FORECLOSE**

US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 holds the Mortgage on your property located at 542 Prospect Street, East Orange, NJ 07017. America Servicing Company is the servicer for US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 regarding your mortgage. The present principal balance of the mortgage is \$206,605.01.

Your mortgage is in serious default because you have not made the required payments. The total amount now required to cure this default, in other words, the amount required to bring your mortgage current to 8/9/10 is as follows:

Exhibit E

**Monthly Payments:**

4/1/08 through 8/9/10

23 @ \$2,045.94	<u>\$47,056.62</u>
6 @ \$2,170.87	<u>\$13,025.22</u>

**Late Charges**

Accrued Late Charges

\$1,906.80

**Other Charges**

BPO/Inspection

\$535.00

**TOTAL:**

\$62,523.64

You have the right to cure the default within THIRTY-THREE (33) days of the date of this letter.

To cure this default, you must pay the amount of \$62,523.64 plus any additional monthly payment and late charge which may fall due during the thirty-three (33) day period after the date of this letter.

The law firm of Phelan Hallinan & Schmieg, P.C. has been retained to represent the interest of US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3.

The payment must be mailed within thirty-three (33) days of the date of this letter to:

**Phelan Hallinan & Schmieg, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
(856) 813-5500**

The funds submitted for reinstatement must be in the form of certified check or money order only, and must be made payable to:

**America's Servicing Company**

If you do not cure the default within thirty-three (33) days of the date of this letter, the lender intends to exercise its right to accelerate the mortgage payments, consider the mortgage in default and initiate foreclosure proceedings on your property.

You have the right to cure your default, and bring you mortgage payments current, after the date of expiration of this letter, until the entry of the foreclosure judgment; however, you will be responsible for the court costs and attorney fees, calculated consistent with the Rules of the Superior Court, incurred in the foreclosure proceeding.

You have the right to transfer your interest in the mortgaged property to a third party, and the third party may cure the default as provided in this letter, if provided for in the mortgage documents.

You have the right to an attorney. If you are unable to obtain an attorney or otherwise afford an attorney, you may contact the New Jersey Bar Association or Lawyer Referral Service in the county in which the property is located. Attached to this correspondence is a list of the Legal Services and Legal Aid Offices by county in the State of New Jersey, and a list of the Lawyer Referral Services available in New Jersey.

There may also be financial assistance for curing your default available from organizations operated by the state or federal government, or non-profit organizations. The New Jersey State Commissioner of Banking promulgates a list of such organizations and a copy of that list is attached hereto.

If you have received a discharge of debt as part of a bankruptcy court proceeding, then the within notice does not constitute, nor is intended to be, a demand for payment, but rather, is offered for informational purposes only.

If you do not agree that a default of your mortgage has occurred or you dispute the amount provided for in curing that default, please contact America's Servicing Company servicer for US Bank National Association, As Trustee for CSAB Mortgage Backed Pass-Through Certificates, Series 2006-3 which has been delegated authority pursuant to a Pooling and Servicing Agreement.

America's Servicing Company  
3476 Stateview Blvd.  
Fort Mill, SC 29715  
877-216-8448

Very Truly Yours,  
Phelan Hallinan & Schmieg, PC

The following is a list of governmental and non-profit entities that may provide financial assistance or counseling to borrowers in foreclosure. It is recommended that you consult with your attorney.

American Credit Alliance, Inc.  
26 South Warren Street  
Trenton, NJ 08608  
(609) 393-5400

Atlantic Human Resources, Inc.  
1 South New York Avenue  
Atlantic City, NJ 08401  
(609) 348-4131

Citizen Action (Offices statewide)  
400 Main Street  
Hackensack, NJ 07601  
1-800-NJ OWNER  
(201) 488-2804

Consumer Credit Counseling Service of Central New Jersey  
1931 Nottingham Way  
Hamilton, NJ 08619  
(609) 586-2574

Consumer Credit Counseling Service of New Jersey  
185 Ridgedale Avenue  
Cedar Knolls, NJ 07927-1812  
(973) 267-4324

Fair Housing Council of Northern New Jersey  
131 Main Street  
Hackensack, NJ 07601  
(201) 489-3552

Garden State Consumer Credit Counseling, Inc.  
225 Willowbrook Road  
Freehold, NJ 07728  
1-800-992-4557

Housing Coalition of Central Jersey  
78 New Street  
New Brunswick, NJ 08901  
(732) 249-9700

**Jersey Counseling & Housing Development, Inc.**  
29 South Blackhorse Pike  
Blackwood, NJ 08012  
(856) 227-3683

**Jersey Counseling & Housing Development, Inc.**  
1840 South Broadway  
Camden, NJ 08104  
(856) 541-1000

**Mercer County Hispanic Association**  
200 E. State Street – 2 nd Floor  
Trenton, NJ 08607  
(609) 392-2446

**Middlesex County Economic Opportunities Corporation**  
1215 Livingston Avenue  
North Brunswick, NJ 08902  
(732) 790-3344

**Monmouth County Human Services**  
Housing Services Unit  
P.O. Box 3000  
Freehold, NJ 07728  
(732) 431-7998

**Ocean Community Economic Action Now, Inc.**  
22 Hyers Street  
Toms River, NJ 08753-0773  
(732) 244-2351, ext. 2

**Paterson Coalition for Housing, Inc.**  
262 Main Street, 5th Floor  
Paterson, NJ 07505  
(973) 684-5998

**Paterson Task Force for Community Action, Inc.**  
155 Ellison Street  
Paterson, NJ 07505  
(973)279-2333

**Tri-County Community Action Agency, Inc.**  
110 Cohansey Street  
Bridgeton, NJ 08302  
(856) 451-6330

**Urban League for Bergen County**  
106 West Palisade Avenue  
Englewood, NJ 07631  
(201) 568-4988

**Urban League for Essex County**  
508 Central Avenue  
Newark, NJ 07101  
(973) 624-9535

**Urban League of Union County**  
288 North Broad Street  
Elizabeth, NJ 07208  
(908) 351-7200

**Homelessness Prevention Program**  
New Jersey Department of Community Affairs  
(866) 889-6270\*

\*Basic eligibility is limited to: (a) single family owner/occupied dwellings with all those on the deed and mortgage occupying the house; (b) no more than one mortgage or lien encumbrance on the property; (c) no initiated or ongoing bankruptcy. Assistance will be in the form of a loan, and a lien will be placed on the property. The family must document the financial reason for nonpayment. At the time of the eligibility decision, the household must have and document income sufficient to support the household and repay the loan. There is a fee for the credit check and property search.

**ATLANTIC COUNTY  
LEGAL SERVICES**  
26 S. PENNSYLVANIA AVE.  
SUITE 100, 1<sup>ST</sup> FLOOR  
ATLANTIC CITY, NJ 08401  
(609)348-4200

**BERGEN COUNTY  
LEGAL SERVICES**  
61 KANSAS STREET  
HACKENSACK, NJ 07601  
(201)487-2166

**BURLINGTON COUNTY  
LEGAL SERVICES**  
107 HIGH STREET  
MOUNT HOLLY, NJ 08060  
(609)261-1088

**CAMDEN COUNTY  
LEGAL SERVICES**  
745 MARKET STREET  
CAMDEN, NJ 08102  
(856)964-2010  
OR 1-800-496-4570

**CAPE MAY COUNTY  
LEGAL SERVICES**  
1261 ROUTE 9 SOUTH  
CAPE MAY COURT HOUSE,  
NJ 08210  
(609)465-3001

**CUMBERLAND COUNTY  
LEGAL SERVICES**  
CUMBERLAND/SALEM  
22 E. WASHINGTON ST.  
BRIDGETON, NJ 08302-1933  
(856)451-0003 OR  
(856) 935-8047 AND  
FARMWORKER PROJECT  
71 EAST COMMERCE  
STREET  
BRIDGETON, NJ 08302  
(856) 455-0017

**ESSEX- NEWARK COUNTY  
LEGAL SERVICES**  
5 COMMERCE ST., 2<sup>ND</sup>  
FLOOR  
NEWARK, NJ 07102  
(973) 824-3000 OR  
(973) 624-4500

**GLOUCESTER COUNTY  
LEGAL SERVICES**  
47 NEWTON AVENUE  
WOODBURY, NJ 08096  
(856)848-5360

**HUDSON COUNTY  
LEGAL SERVICES**  
574 SUMMIT AVENUE  
JERSEY CITY, NJ 07306  
(201)792-6363

**HUNTERDON COUNTY  
LEGAL SERVICES**  
82 PARK AVENUE  
FLEMINGTON, NJ 08822  
(908)782-7979

**MERCER COUNTY  
LEGAL SERVICES**  
198 WEST STATE STREET  
TRENTON, NJ 08608  
(609) 695-6249

**MIDDLESEX COUNTY  
LEGAL SERVICES  
NEW BRUNSWICK OFFICE**  
317 GEORGE ST, SUITE 201  
NEW BRUNSWICK, NJ 08901  
(732)249-7600 OR  
**PERTH AMBOY OFFICE**  
313 STATE STREET, SUITE  
308  
PERTH AMBOY, NJ 08861  
(732) 324-1613

**MONMOUTH COUNTY  
LEGAL SERVICES  
FREEHOLD OFFICE**  
303 WEST MAIN ST., 3<sup>RD</sup>  
FLOOR  
FREEHOLD, NJ 07728  
(732)866-0020 OR  
**LONG BRANCH OFFICE**  
279 BROADWAY, SUITE 300  
LONG BRANCH, NJ 07740  
(732) 222-3338

**MORRIS COUNTY  
LEGAL SERVICES**  
30 SCHUYLER PLACE  
CN-900  
MORRISTOWN, NJ 07963  
(973)285-6911

**OCEAN COUNTY  
LEGAL SERVICES**  
**TOMS RIVER OFFICE**  
599 ROUTE 37 WEST  
TOMS RIVER, NJ 08753  
(732)341-2727 OR  
**LAKWOOD OFFICE**  
LAKWOOD MEDICAL  
PLAZA  
681 RIVER AVENUE, UNIT 2C  
LAKWOOD, NJ 08701  
(732) 730-3054

**PASSAIC COUNTY  
LEGAL SERVICES**  
152 MARKET STREET  
PATERSON, NJ 07505  
(973) 523-2900

**SALEM COUNTY  
LEGAL SERVICES**  
*SEE CUMBERLAND COUNTY*

**SOMERSET COUNTY  
LEGAL SERVICES**  
34 W MAIN ST., STE 301  
SOMERVILLE, NJ 08876  
(908)231-0840

**SUSSEX COUNTY  
LEGAL SERVICES**  
4 PARK PLACE, SUITE 1  
NEWTON, NJ 07860  
(973)383-7400

**UNION COUNTY  
LEGAL SERVICES**  
60 PRINCE STREET  
ELIZABETH, NJ 07208  
(908)354-4340

**WARREN COUNTY  
LEGAL SERVICES**  
91 FRONT STREET  
P.O. BOX 65  
BELVIDERE, NJ 07823  
(908)475-2010

\*\*\*\*\*

**ATLANTIC COUNTY  
LAWYER REFERRAL**  
ATLANTIC COUNTY  
COURT HOUSE  
1201 BACHARACH BLVD.  
ATLANTIC CITY, NJ 08401  
(609)345-3444

**BERGEN COUNTY  
LAWYER REFERRAL**  
15 BERGEN STREET  
HACKENSACK, NJ 07601  
(201)488-0044

**BURLINGTON COUNTY  
LAWYER REFERRAL**  
45 GRANT STREET  
MOUNT HOLLY, NJ 08060  
(609)261-4862

**CAMDEN COUNTY  
LAWYER REFERRAL**  
1040 N. KINGS HWY.,  
SUITE 201  
CHERRY HILL, NJ 08034  
(856) 482-0620

**CAPE MAY COUNTY  
LAWYER REFERRAL**  
RT. 9, MAIN STREET  
P.O. BOX 425  
CAPE MAY COURTHOUSE,  
NJ 08210  
(609) 961-0172

**CUMBERLAND COUNTY  
LAWYER REFERRAL**  
P.O. BOX 731  
MILLVILLE, NJ 08332  
(856) 825-2001

**ESSEX COUNTY  
LAWYER REFERRAL**  
354 EISENHOWER  
PARKWAY, PLAZA 2  
LIVINGSTON, NJ 07039  
(973) 533-6775

**GLOUCESTER COUNTY  
LAWYER REFERRAL**  
JUSTICE COMPLEX  
P.O. BOX 338  
WOODBURY, NJ 08096  
(856)848-4589

**HUDSON COUNTY  
LAWYER REFERRAL**  
583 NEWARK AVENUE  
JERSEY CITY, NJ 07306  
(201)798-2727  
2007

**HUNTERDON COUNTY  
LAWYER REFERRAL**  
P.O. BOX 573  
ANNANDALE, NJ 08801  
(908)735-2611

**MERCER COUNTY  
LAWYER REFERRAL**  
1245 WHITEHORSE-  
MERCERVILLE ROAD  
SUITE 420  
MERCERVILLE, NJ 08619  
(609)585-6200

**MIDDLESEX COUNTY  
LAWYER REFERRAL**  
87 BAYARD STREET  
NEW BRUNSWICK, NJ 08901  
(732)828-0053

**MONMOUTH COUNTY  
LAWYER REFERRAL**  
COURTHOUSE  
FREEHOLD, NJ 07728  
(732)431-5544

**MORRIS/SUSSEX/  
COUNTIES LAWYER  
REFERRAL**  
28 SCHUYLER PLACE  
MORRISTOWN, NJ 07960  
(973)267-5882

**OCEAN COUNTY  
LAWYER REFERRAL**  
COURTHOUSE, P.O. BOX 381  
TOMS RIVER, NJ 08753  
(732)240-3666

**PASSAIC COUNTY  
LAWYER REFERRAL**  
COURTHOUSE  
77 HAMILTON STREET  
PATERSON, NJ 07505  
(973)278-9223

**SALEM COUNTY  
LAWYER REFERRAL**  
(856)935-5629

**SOMERSET COUNTY  
LAWYER REFERRAL**  
10 NORTH BRIDGE ST.  
PO BOX 1095  
SOMERVILLE, NJ 08876  
(908)685-2323

**UNION COUNTY  
LAWYER REFERRAL**  
COURTHOUSE, 1ST FLOOR  
ELIZABETH, NJ 07207  
(908)353-4715  
*MON - THURS 10A.M.-1P.M.*

**WARREN COUNTY  
LAWYER REFERRAL**  
413 SECOND STREET  
BELVIDERE, NJ 07823  
(908) 387-1835

03/2007

ASC-7044

**PHELAN HALLINAN & SCHMIEG, PC**

By: Vladimir Palma, Esquire  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
(856) 813-5500  
Attorneys for Plaintiff

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CSAB MORTGAGE-  
BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2006-3  
PLAINTIFF,  
VS.

MARYSE GUILLAUME, ET AL.  
DEFENDANT(S)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
ESSEX COUNTY

DOCKET NO: F-26869-08

CIVIL ACTION  
PROOF OF MAILING

TO: Maryse Guillaume & Emilio Guillaume  
542 Prospect Street  
East Orange, NJ 07017

Maryse Guillaume & Emilio Guillaume  
C/o Broderick, Newman & Grather  
20 South Street, Ste. 3  
Morristown, NJ 07960

I, Jessica Hansbury, did mail on July 15, 2010, a NOI letter, via certified mail, return receipt requested, and regular mail, to the above defendants at their principal places of business or place of residence.

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

PHELAN HALLINAN & SCHMIEG, PC

  
Jessica Hansbury, Legal Assistant

Dated:

7/15/10



**ASC-7044**

**PHELAN HALLINAN & SCHMIEG, PC**

By: Brian J. Yoder, Esquire

400 Fellowship Road, Suite 100

Mount Laurel, NJ 08054

(856) 813-5500

**Attorneys for Plaintiff**

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CSAB MORTGAGE-  
BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2006-3  
PLAINTIFF,

VS.

MARYSE GUILLAUME, ET AL.  
DEFENDANT(S)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
ESSEX COUNTY

DOCKET NO: F-26869-08  
CIVIL ACTION

**ATTORNEY CERTIFICATION IN  
OPPOSITION TO DEFENDANT'S  
MOTION**

I, Brian J. Yoder, Esquire, do hereby certify:

I am an attorney at law in the State of New Jersey and am associated with the Law Firm of Phelan Hallinan & Schmieg, PC, attorneys for the Plaintiff in the above captioned matter.

1. On September 7, 2006, Defendant, MARYSE GUILLAUME and EMILIO GUILLAUME, executed to Credit Suisse Financial Corporation its successors and assigns an obligation (NOTE) to secure the sum of \$210,000.00. To secure the payment of the aforesaid obligation, Defendant MARYSE GUILLAUME and EMILIO GUILLAUME executed to Mortgage Electronic Registration Systems Inc. as nominee for Credit Suisse Financial Corporation its successors and assigns, a non purchase money mortgage of even date with

said note. Said mortgage was duly recorded in the Office of the Clerk of ESSEX County on November 1, 2006 in mortgage book 11605, page 526. A copy of the note and mortgage are attached as Plaintiff's **Exhibit A** and **Exhibit B** respectively.

2. At the time of settlement Defendant satisfied a prior mortgage in the amount of \$123,189.93 and also received \$61,719.87 in cash. Additionally, Defendant executed documents such as Uniform Residential Loan Application and the Federal Truth in Lending Disclosure Statement, which clearly prove that the terms and conditions of the subject mortgage loan were fully disclosed to Defendant. A copy of the HUD-1 Settlement Statement, Uniform Residential Loan Application, and Federal Truth-in-Lending Disclosure Statement are attached hereto as Plaintiff's **Exhibit C**.

3. In a transaction dated October 1, 2006, Plaintiff acquired the subject note and mortgage from Credit Suisse Financial Corporation.

4. The transfer of the note and mortgage from Credit Suisse Financial Corporation to the Plaintiff was part of a larger series of transactions in which numerous loans were transferred for value from Credit Suisse Financial Corporation and other loan originators to the Plaintiff. This transaction, as well as the rights and duties of the various participants in the Pooling and Servicing Agreement with respect to transferred loans, are governed by the October 1, 2006 Pooling and Servicing Agreement ("the PSA"). Due to the voluminous nature of the Pooling and Servicing Agreement governing this transaction, Plaintiff has elected to provide the cover page of the agreement and other relevant pages as **Exhibit D**, clearly indicating the proper trust and transaction date. The complete PSA can be found on the U.S. Securities and Exchange Commission website

<http://www.sec.gov/Archives/edgar/data/1378535/000116231806001517/m1166psa41.htm>.

5. Under the PSA, Credit Suisse First Boston Mortgage Securites Corp. purchased the subject loans from their owners at the time of acquisition. Upon acquisition of the loans, the depositor then transferred the loans to the Trustee, US Bank National Association, which in turn holds them in trust for the benefit of the various holders of the certificates or bonds issued by the Depositor, the proceeds of which were used to initially purchase the loans. As part of the Pooling and Servicing Agreement, the loans are serviced, (ie payments collected, taxes paid, etc.) by a Master Servicer and an additional servicer who are both empowered to retain subservicers. In this case, the Master Servicer is Wells Fargo Bank, NA. with respect to this particular loan, America's Servicing Company, has been retained as the servicer. On December 28, 2006, Americas Servicing Company sent Defendant notice that they were now servicing the loan. A copy of the notice is attached hereto as Plaintiff's **Exhibit E**.

6. Pursuant to Section 3.01 of the PSA, the Master Servicer, itself or through subservicers, is empowered to take all actions necessary to service the loan on behalf of the Trustee. See Exhibit D, Section 3.01, page 30. More specifically, pursuant to Section 3.01, the master Servicer through the subservicer is empowered to take action in connection with the servicing of loans, including under item (iv) of that section "to affectuate foreclosure or other conversion of the ownership of the mortgaged property securing any mortgage loan." See, Exhibit D, Section 3.01, page 30.

7. As formal notice of the October 1, 2006 transaction and to place third parties on notice a formal written assignment was executed on July 14, 2008 in which Mortgage Electronic Registration Systems Inc. as nominee for Credit Suisse Financial Corporation its

successors and assigns assigned said mortgage to US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR CSAB MORTGAGE-BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3, said assignment was recorded on July 31, 2008 in assignment book 12150, page 4873. Due to Court inquiry, a corrective assignment was executed on April 10, 2009 which held an effective date of the original assignment and was then duly recorded on April 15, 2009, in assignment book 12188, page 9003. A copy of the assignment and corrective assignment are attached hereto as Plaintiff's **Exhibit F**.

8. While a formal assignment was not executed until July 14, 2008, the attached certification executed by the loan servicer, certifies that Plaintiff acquired said note and mortgage in a transaction dated October 1, 2006. A copy of Plaintiff's Certification is attached hereto as Plaintiff's **Exhibit G**.

9. On April 1, 2008, an installment was due and has not been received by the Plaintiff.

10. On May 18, 2009 a Notice of Intention to Foreclose letter was mailed by certified mail return receipt requested, and regular mail was forwarded to Maryse Guillaume. The notices were sent to the Defendant at the property address known as 542 Prospect Street, East Orange New Jersey. The tracking confirmation for the certified mail confirms that it was delivered at 2:09 PM on May 28, 2008. Copies of the Notice of Intention to Foreclose letters and tracking confirmation are attached as Plaintiff's **Exhibit H**.

11. Upon the Defendant's default on the subject mortgage loan, Plaintiff initiated foreclosure proceedings in the Superior Court of New Jersey, Chancery Division, Essex County, on July 15, 2008. A copy of Plaintiff's foreclosure complaint is attached hereto as Plaintiff's **Exhibit I**.

12. On July 21, 2008, Defendant was personally served at the subject property by a private process server. A copy of the Affidavit of Service is attached hereto as Plaintiff's **Exhibit J**.

13. After Defendant failed to file a responsive pleading, Default was properly entered by the Court on August 26, 2008. A copy of the entered default is attached hereto as Plaintiff's **Exhibit K**.

14. Thereafter, on September 5, 2008 Plaintiff forwarded to the Defendants, via regular and certified mail, a Notice of the Entry of Default along with formal Notice Pursuant to Section 6 of the New Jersey Fair Foreclosure Act. A copy of the notice and certification of mailing is attached hereto as Plaintiff's **Exhibit L**.

15. After the Defendant failed to respond to the Notice in accordance with Section 6 of the New Jersey Fair Foreclosure Act. Plaintiff submitted its proofs for the entry of Final Judgment and the court entered Final Judgment on May 6, 2009. A copy of the Final Judgment and Writ of Execution are attached hereto as Plaintiff's **Exhibit M**.

16. The Sheriff of Essex County then scheduled the public auction on the subject property via Sheriff's sale for August 11, 2009.

17. On July 20, 2009, Plaintiff forwarded to the Defendants via certified and regular mail formal notice of the August 11, 2009 Sheriff's Sale. Notice of the Sheriff's sale is attached hereto as Plaintiff's **Exhibit N**.

18. Plaintiff subsequently adjourned the sale to September 15, 2009 and Plaintiff forwarded notice of the new sale date to the Defendants. A copy of the notice is attached hereto as Plaintiff's **Exhibit O**.

19. Defendant subsequently exercised their statutory right to an adjournment and the September 15, 2009 sale was adjourned to September 29, 2009. Plaintiff forwarded notice of the new sale date to the Defendants. A copy of the notice is attached hereto as Plaintiff's **Exhibit P**.

20. On September 29, 2009, the sale was adjourned by the court to November 10, 2009 to allow Defendants' Order to Show Cause to be heard on November 6, 2009. Plaintiff forwarded notice of the new sale date to the Defendants. A copy of the notice is attached hereto as Plaintiff's **Exhibit Q**.

21. Throughout the course of Defendant's default, Defendant sent numerous letters to Plaintiff stating the reason for default was due to economic hardship suffered by herself and her husband, who are both self-employed. A copy of Defendants' letters to Plaintiff are attached hereto as Plaintiff's **Exhibit R**.

22. Throughout Defendants' default, Plaintiff had numerous conversations with Defendant on November 20, 2008, February 3, 2009, and March 30, 2009 in which Plaintiff advised Defendant that the documents sufficient to review Defendants for a loan modification had not been submitted. A copy of Plaintiff's collection notes are attached hereto as Plaintiff's **Exhibit S**.

23. Defendant's Order to Show Cause alleges that a response to Defendants' August 31, 2009 letter in which Defendant requested that the subject note and mortgage loan be rescinded had not been responded to. Conversely on September 29, 2009, Plaintiff sent a response to Defendant's counsel Alan J. Baldwin, Esquire, at 20 South Street, Suite 3, Morristown, NJ 07960. Said response indicated that Defendants' demand for a rescission had been denied. A copy of the correspondence is attached hereto as Plaintiff's **Exhibit T**.

24. After oral argument of Defendants' Order to Show Cause before the Honorable Harriet Farber Klein, J.S.C., an order was entered on November 20, 2009 directing Plaintiff to send a corrective Notice of Intent to Foreclose to Defendants to correct any confusion in the original Notice identifying the Servicer as the holder. A copy of the November 20, 2009 order is attached hereto as Plaintiff's **Exhibit U**.

25. On November 20, 2009, a corrective Notice was sent to Defendants. A copy of said notice is attached hereto as Plaintiff's **Exhibit V**.

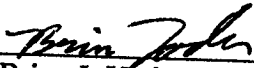
26. On July 8, 2010, the Honorable Harriet Farber Klein, J.S.C. heard additional oral argument on Defendant's Order to Show Cause resulting in an order being entered on July 20, 2010 directing Plaintiff to send another corrective Notice of Intent to Foreclose to Defendants. A copy of the July 20, 2010 order is attached hereto as Plaintiff's **Exhibit W**.

27. On July 15, 2010, another corrective Notice was sent to Defendants. A copy of said notice is attached hereto as Plaintiff's **Exhibit X**.

28. Thereafter, Defendants filed the instant Motion to Dismiss.

I hereby 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.

PHELAN HALLINAN & SCHMIEG, PC  
By:

  
\_\_\_\_\_  
Brian J. Yoder, Esquire  
Attorney for Plaintiff

Dated: August 20, 2010



# EXHIBIT "A"

Da211





# EXHIBIT "B"

Da212



# EXHIBIT "C"

Da213



# EXHIBIT "D"

Da214



# EXHIBIT "E"

Da215



# EXHIBIT "F"

Da216



# EXHIBIT "G"

Da217



# EXHIBIT "H"

Da218



# EXHIBIT "I"

Da219





# EXHIBIT "J"

Da220



# EXHIBIT "K"

Da221



# EXHIBIT "L"

Da222



# EXHIBIT "M"

- Da223



# EXHIBIT "N"

Da224



# EXHIBIT "O"

Da225



# EXHIBIT "P"

Da226



# EXHIBIT "Q"

Da227





# EXHIBIT "R"

Da228



# EXHIBIT "S"

Da229



# EXHIBIT "T"

Da230



# EXHIBIT "U"

Da231



# EXHIBIT "V"

Da232



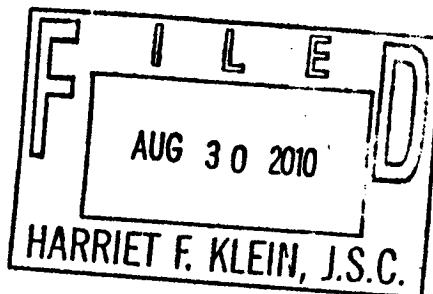
# EXHIBIT "W"

Da233



# EXHIBIT "X"

Da234



**BRODERICK, NEWMARK & GRATHER**  
A Professional Corporation  
20 South Street, Suite 3  
Morristown, NJ 07960  
973-538-0084

ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
Attorneys for Defendants, Maryse Guillaume and Emilio Guillaume

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB MORTGAGE- BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION-ESSEX COUNTY
Plaintiff	:	Docket No: F-26869-08
	:	Civil Action
vs.	:	<del>ISSUED</del> ORDER ON DEFENDANTS' ORDER TO SHOW CAUSE
MARYSE GUILLAUME, ET AL	:	
Defendant	:	

THIS MATTER being brought before the Court by the firm of Broderick, Newmark & Grather, attorneys for defendants, Maryse and Emilio Guillaume, on assignment from Legal Services of New Jersey, by way of Order to Show Cause, and the matter being adjourned to permit the plaintiff to satisfy N.J.S.A. 2A:50-56, and it appearing that the plaintiff has ~~not~~ complied with N.J.S.A. 2A:50-56 for the reasons stated on the record on this date,

IT IS, therefore, on this 30<sup>th</sup> day of August, 2010 ORDERED as follows:

- The <sup>application to vacate</sup> default and default judgment entered against defendants is hereby <sup>denied.</sup> ~~vacated.~~



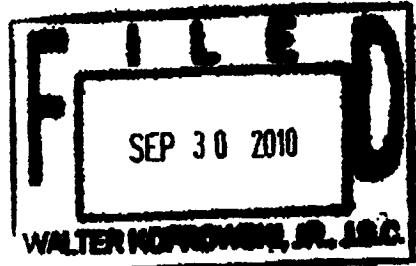
2. ~~Plaintiff's Complaint is hereby dismissed without prejudice.~~

3. The sale of the defendants' property at 542 Prospect Street, East Orange, New Jersey by the Sheriff of Essex County is stayed ~~without date until further order of this court.~~ *until October 5, 200 by consent of plaintiff.*

4. A copy of this Order shall be served on all parties within 5 days hereof.

  
HARRIET FARBER KLEIN, J.C.D.

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**BRODERICK, NEWMARK & GRATHER**

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Morristown, NJ 07960  
973-538-0084

ON REFERRAL FROM LEGAL SERVICES OF NEW JERSEY  
Attorneys for Defendants, Maryse Guillaume and Emilio Guillaume

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CSAB MORTGAGE- BACKED PASS-THROUGH CERTIFICATES, SERIES 2006-3	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION-ESSEX COUNTY
	:	Docket No: F-26869-08
	:	Civil Action
Plaintiff	:	ORDER STAYING SHERIFF'S SALE PENDING APPEAL
vs.	:	
MARYSE GUILLAUME, ET AL	:	
Defendant	:	

THIS MATTER being brought before the Court by Defendants, Maryse and Emilio Guillaume, by their attorney, Alan J. Baldwin, Esq. of the firm of Broderick, Newmark & Grather on assignment from Legal Services of New Jersey, opposition to the application being submitted by Plaintiff through Plaintiff's attorneys, Phelan Hallinan & Schmieg, and in consideration of the arguments of counsel,


IT IS on this 30<sup>th</sup> day of September, 2010

ORDERED that the Sheriff's sale of Maryse and Emilio Guillaume's property located at 542 Prospect Street, East Orange, New Jersey is hereby stayed pending appeal, and further

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ORDERED that Maryse and Emilio Guillaume shall not be required to post a bond, and further

ORDERED that a copy of this Order be served on all parties within 10 days hereof.

  
WALTER KOPROFSKI, JR., J.C.D.

REASONS. DEFENDANT FILED A NOTICE OF APPEAL ON 9-16-10. FULL HEAT STAY IS NECESSARY TO MAINTAIN THE STATUS QUO, OTHERWISE PROPERTY WILL BE SOLD @ SHERIFF'S SALE