

Prepared by the Court

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:GENERAL EQUITY

DOCKET NO. F-61269-09

FILED

SEP 19 2011

Robert P. Contillo
P.J.Ch.

INDYMAC VENTURE, LLC,

Plaintiff(s).

CIVIL ACTION

ORDER

vs.

CARMINE E. GIORDANO, ET AL.,

Defendant(s).


This matter being opened to the court on plaintiff's motion for summary judgment and/or striking the answer of the defendants Carmine E. Giordano and Sheryl A. Giordano, and upon the defendants' cross-motion to dismiss and for summary judgment on their counterclaim, and the court having considered the pleadings, affidavits/certifications, admissions and other moving papers, and for the reasons set forth on the annexed rider to Order;

IT IS THIS 19th day of September, 2011;

ORDERED as follows:

1. That the motion of the plaintiff for summary judgment is denied without prejudice owing to the failure to strictly comply with the Fair Foreclosure Act.

2. The defendants' motion to dismiss is granted in part and defendants request for summary judgment on their counterclaim is denied, and the counterclaim is dismissed with prejudice owing to waiver.
3. A copy of this Order is being mailed to the parties by the court.


ROBERT P. CONTILLO, P.J.Ch.