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* Pursuant to R.1:21-3(c)

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Via Lawyers Service

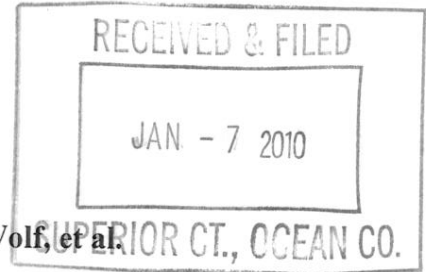
OCEAN COUNTY SUPERIOR COURT
CHANCERY DIVISION

ATTN: Frank A. Buczynski, Jr.

206 Courthouse Lane, 1st Floor

Toms River, New Jersey 08754

RE: **The Bank of New York v. William P. Wolf, et al.**
Docket No. F-12418-08



Your Honor:

This office represents William Wolf, the defendant in the above-referenced matter. Please accept this submission in further support of defendant's motion to vacate default and permit a late-filed answer, which is now scheduled for further hearing on Friday, January 8, 2010. Oral argument on the motion was taken on November 20, 2009, at which point the Court directed plaintiff to produce an indorsed Note.

On December 10, 2009, plaintiff's counsel provided the undersigned with a copy of an indorsed note. (Second Supp. Schore Cert. ¶ 6, Exhibit A). As the Court will recall, in support of its motion for final judgment, plaintiff produced an unendorsed note stamped "ORIGINAL" and "I certify this to be a true copy," signed by plaintiff's counsel. (Second Supp. Schore Cert. ¶ 7, Exhibit B).

Plaintiff did not provide a certification explaining this discrepancy. The logical conclusion is that the indorsement was added to the note after entry of final judgment. As such, final judgment entered improperly, and must be vacated.

Please contact me if you have any questions with reference to the above. Thank you for your attention.

Very truly yours,

Rebecca Schore

cc: Edward Kirn
William Wolf