

EXHIBIT H

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA**

SUMMONS AND NOTICE

Wells Fargo Bank, N.A.,

Plaintiff,

Index No. _____

Date Filed: _____

against

Emily Califano a/k/a Emily Jane Califano; The United States of America acting through The Secretary of Housing and Urban Development, "JOHN DOE"; said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises, Defendants.

COPY

PROPERTY ADDRESS: 712 Swaggartown Road, Scotia, NY 12302

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or a notice of appearance on the attorneys for the Plaintiff within thirty (30) days after the service of this summons, exclusive of the day of service. The United States of America, if designated as a defendant in this action, may appear within sixty (60) days of service hereof. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

NOTICE OF NATURE OF ACTION AND RELIEF SOUGHT THE OBJECT of the above captioned action is to foreclose a Home Equity Conversion Mortgage to secure \$243,000.00 and interest, recorded in the Saratoga County Clerk's Office on February 22, 2007, in Instrument Number: 2007007401 covering premises known as 712 Swaggartown Road, Scotia, NY 12302.

14-038653

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The relief sought in the within action is a final judgment directing the sale of the premises described above to satisfy the debt secured by the Home Equity Conversion Mortgage described above.

Plaintiff designates Saratoga County as the place of trial. Venue is based upon the County in which the mortgaged premises is situated.

**NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME**

IF YOU DO NOT RESPOND TO THIS SUMMONS AND COMPLAINT BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE MORTGAGE COMPANY WHO FILED THIS FORECLOSURE PROCEEDING AGAINST YOU AND FILING THE ANSWER WITH THE COURT, A DEFAULT JUDGMENT MAY BE ENTERED AND YOU CAN LOSE YOUR HOME.

SPEAK TO AN ATTORNEY OR GO TO THE COURT WHERE YOUR CASE IS PENDING FOR FURTHER INFORMATION ON HOW TO ANSWER THE SUMMONS AND PROTECT YOUR PROPERTY.

SENDING A PAYMENT TO YOUR MORTGAGE COMPANY WILL NOT STOP THIS FORECLOSURE ACTION.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

Dated: December 31, 2014



Karl E. Kolkmann, Esq.
Associate Attorney
SHAPIRO, DICARO & BARAK, LLC
Attorneys for Plaintiff
175 Mile Crossing Boulevard
Rochester, NY 14624
(585) 247-9000
Our File No. 14-038653

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Saratoga County ClerkSUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SARATOGA

Wells Fargo Bank, N.A.,

MORTGAGE FORECLOSURE
COMPLAINT

Plaintiff,

Index No. _____

-against-

Date Filed: _____

Emily Califano a/k/a Emily Jane Califano; The United States of America acting through The Secretary of Housing and Urban Development, "JOHN DOE", said name being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein, and any parties, corporations or entities, if any, having or claiming an interest or lien upon the mortgaged premises, Defendants.

The Plaintiff herein, by its Attorneys, Shapiro, DiCaro & Barak, I.L.C., complains of the defendants above named, and for its cause of action, alleges that:

First: The Plaintiff herein, at all times hereinafter mentioned was and still is a duly authorized National Association and having an office c/o 3476 Stateview Blvd, MAC# X7801-013, Fort Mill, South Carolina 29715.

PLAINTIFF FURTHER ALLEGES
UPON INFORMATION AND BELIEF

Second: The defendants set forth in Schedule "A" reside or have a place of business at the address set forth therein and are made defendants in this action in the capacities therein alleged and for the purpose of foreclosing and extinguishing any other right, title or interest said defendants may have in the subject premises.

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Third: The United States of America, The People of the State of New York, The State Tax Commission of the State of New York, the Industrial Commissioner of the State of New York and all other agencies or instrumentalities of the Federal, State or local government (by whatever name designated) if made parties to this action and if appearing in Schedule "B", are made parties solely by reason of the interest set forth in Schedule "B" and for no other reason.

Fourth: Heretofore, the defendant(s), Emily Jane Califano, for the purpose of securing to Wells Fargo Bank, N.A., its successors and assigns, duly made a certain adjustable or fixed rate note (Home Equity Conversion instrument), wherein and whereby they bound themselves, their heirs, executors, administrators and assigns, and each and every one of them, jointly and severally, in the amount of said sum of money, all as more fully appears together with the terms of repayment of said sum or rights of Wells Fargo Bank, N.A., its successors and assigns, in said bond, note or other instrument, a copy of which is attached hereto and made a part hereof.

Fifth: As security for the payment of said indebtedness, a Home Equity Conversion Mortgage was executed in the sum of \$243,000.00, acknowledged and delivered to Wells Fargo Bank, N.A. recorded in the Saratoga County Clerk's Office on February 22, 2007, in Instrument Number: 2007007401, wherein and whereby the mortgagor(s) named therein mortgaged, bargained, granted an interest in and/or sold to the mortgagee, its successors and assigns, the premises more particularly described therein, hereinafter called "mortgaged premises", under certain conditions with rights, duties and privileges between or among them as more fully appears in said mortgage, a copy of which is attached hereto and made a part hereof.

14-038653

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