

AFFIDAVIT OF FACTS BY ORIGINAL CREDITOR

(Original Creditor Actions)

The undersigned, being duly sworn, deposes and says:

1. I am a/an _____ [*employee/officer/member*] of Plaintiff, and I have personal knowledge of and access to Plaintiff's books and records ("Business Records"), including electronic records, relating to the account ("Account") of _____ [*name of Defendant*]. The last four digits of the Account number are _____. In my position, I have personal knowledge of Plaintiff's procedures for creating and maintaining its Business Records. Plaintiff's Business Records were made in the regular course of business and it was the regular course of such business to make the Business Records. The records were made at or near the time of the events recorded. Based on my review of Plaintiff's Business Records, I have personal knowledge of the facts set forth in this affidavit.

2. Plaintiff and Defendant entered into a credit agreement ("Agreement"). Defendant agreed to pay Plaintiff for all goods, services and cash advances provided pursuant to the Agreement. The amount of the last payment, if any, made by Defendant was \$_____, made on _____ [*date*]. Defendant is now in default and demand for payment has been made. A true and correct copy of the Agreement is attached as an exhibit to this affidavit.

3. [*Complete this paragraph if seeking judgment on an account stated cause of action.*] I have personal knowledge of Plaintiff's procedures for generating and mailing account statements to customers. It is the regular practice of Plaintiff's business to provide periodic account statements to its customers. On or about _____ [*date*], Plaintiff sent one or more account statements relating to the Account to Defendant stating the amount due as \$_____. The account statement(s) were mailed to Defendant's last known address and Plaintiff's records do not reflect that the statement(s) were returned by the post office or that the Defendant objected to them. A true and correct copy of the final account statement(s) is attached as an exhibit to this affidavit.