

AFFIDAVIT OF FACTS AND SALE OF ACCOUNT BY ORIGINAL CREDITOR

(Debt Buyer Actions)

The undersigned, being duly sworn, deposes and says:

1. I am a/an _____ [*employee/officer/member*] of _____ [*original creditor*] (“Original Creditor”), and I have personal knowledge of and access to Original Creditor’s books and records (“Business Records”), including electronic records, relating to a pool of charged-off consumer credit accounts sold or assigned by _____ [*original creditor*] to _____ [*debt buyer*] (“Debt Buyer”), on _____ [*date*] (the “Sale”), which included the account (“Account”) of the consumer (“Consumer”) identified in the exhibits attached hereto and incorporated herein. As part of the Sale, Original Creditor assigned all of its interest in the Account, including the right to any proceeds from the Accounts, to Debt Buyer, and it transferred Business Records relating to the Account to Debt Buyer. A true and correct copy of the bill of sale or written assignment of the Account is attached as an exhibit to this affidavit.

2. In my position, I also have personal knowledge of Original Creditor’s procedures for creating and maintaining its Business Records, including its procedures relating to the sale and assignment of consumer credit accounts. Original Creditor’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 Business Records were made at or near the time of the events recorded. Based on my knowledge of Original Creditor’s Business Records, I have personal knowledge of the facts set forth in this affidavit.

3. Original Creditor and Consumer were parties to a credit agreement (“Agreement”). Consumer agreed to pay Original Creditor for all goods, services and cash advances provided pursuant to the Agreement. The date and the amount of the last payment, if any, made by Consumer are set forth in an exhibit attached hereto and made a part hereof. Consumer defaulted and a demand for payment was made by Original Creditor. A true and correct copy of the Agreement is attached as an exhibit to this affidavit.

4. [*Include this paragraph if seeking judgment on an account stated cause of action.*] I have personal knowledge of Original Creditor’s procedures for generating and mailing account statements to customers. It is the regular practice of Original Creditor’s business to provide periodic account statements to its