



Affidavit of Facts and Sale of Account by Original Creditor

The undersigned, being duly sworn, deposes and says:

1. I, _____, [*Affiant name*] am a/an [employee officer member] of _____ [*place of employment/servicing*] (“Servicer”), servicer for _____ [*Original Creditor name*] (“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 defaulted/charged-off consumer credit accounts sold or assigned by Original Creditor to _____ [*Debt Buyer name*] (“Debt Buyer”), on _____ [*date*] (the “Sale”), which included the account (“Account”) of the consumer (“Consumer”) identified in the exhibits attached hereto and incorporated herein.
2. **[Check this paragraph if Servicer]**
Servicer is the servicer for the Original Creditor. Original Creditor has authorized Servicer to service and maintain the Business Records relating to the Account, along with giving testimony and executing affidavits, declarations, and certifications on behalf of Original Creditor regarding the Account.
3. As part of the Sale, Original Creditor assigned all of its interest in the Account, including the right to any proceeds from the Account, 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.
4. 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.
5. 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.
6. **[Check 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 customers. Original Creditor sent one or more account statements relating to the Consumer’s Account to Consumer on the date(s) and for the amount(s) due set forth in an exhibit attached hereto and made a part hereof. The account statement(s) were mailed to Consumer’s last known address and Original Creditor’s Business Records do not reflect that the statement(s) were returned by the post office or that the Consumer objected to them. A true and correct copy of the most recent account statement(s) generated and mailed by Original Creditor is attached as an exhibit to this affidavit.



7. **[Check this paragraph if seeking judgment on revolving consumer credit account]**

At the time of Sale, Consumer owed the amount set forth in the exhibits attached hereto and made a part hereof, which also set forth the name of the Consumer; the last four digits of the Account number; the date and amount of the charge-off balance; the date and amount of the last payment, if any; the total amounts, if applicable, of any post-charge-off interest and post-charge-off fees and charges; any post-charge-off credits or payments made by or on behalf of the Consumer; and the balance due at the time of the Sale. The above statements are true and correct to the best of my personal knowledge.

8. **[Check this paragraph if seeking judgment on a non-revolving consumer credit account]**

At the time of Sale, Consumer owed the amount set forth in the exhibits attached hereto and made a part hereof, which also set forth the amount broken out by (i) principal; (ii) finance charge or charges; (iii) fees imposed by the original creditor; (iv) collection costs; (v) attorney's fees; (vi) interest; and (vii) any other fees and charges, less any credits or payments made by or on behalf of the Defendant of \$_____.

The above statements are true and correct to the best of my personal knowledge.

Dated: _____

Affiant Signature

Affiant Name

Sworn to before me this _____ day
of _____, 20____.

Notary Public

Exhibits to be Attached to Affidavit

- 1. Bill of Sale from Original Creditor to Debt Buyer**
- 2. Agreement= Contract/Invoice or Charge-off Statement if revolving credit account**
- 3. Most Recent Charge/Payment/Balance Transfer Statement**
- 4. Additional Books and Records evidencing:**
 - a. Debtor's Full Name
 - b. Balance due and last 4 digits of Account Number printed on Most Recent Monthly Statement reflecting charge/payment/balance transfer
 - c. Last Payment Date and Amount
 - d. Charge-off/Delinquency Date and Amount
 - e. Post-Charge-off/Delinquency Interest and/or Fees
 - f. Post-Charge-off/Delinquency Credits
 - g. Total Balance at time of Sale

[Note: A Certificate of Conformity is only required for affidavits specific to real property transactions.]