

STATE OF MICHIGAN
IN 41B DISTRICT COURT

CITIBANK, NA,

Plaintiff/Counter-Defendant,

Case No.:
HON.

-vs-

**DEFENDANT AMENDED ANSWER
AND AFFIRMATIVE DEFENSES**

KI

Defendant/Counter-Plaintiff.

Stenger & Stenger PC
Preston U. Nate (P56673)
Attorney for Plaintiff

LAW OFFICES OF BRIAN P PARKER PC
BRIAN P. PARKER (P48617)
Attorney for Defendant
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**PRELIMINARY STATEMENT AS TO NO STATED CLAIM ON A DEBT THAT WAS
SECURITIZED AT ORIGINATION WITH NO PROOF ATTACHED TO THE
PLAINTIFF'S LAWSUIT PROVING A TRANSFER OF THE
OWNERSHIP OF THE DEBT BACK TO CITIBANK TO PROVE STANDING**

VIOLATION OF THE FDCPA AND RMCPA BY A DEBT COLLECTOR

Citibank is really just a third-party collecting on a debt for another with this collection lawsuit against Ms. Beals. 15 USC 1692(a) defines "debt collector" as:

(6)The term "debt collector" means any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another.

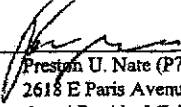
Supporting the *third-party collection status* of Citibank being a debt collector is the fact that throughout the Summons and Complaint from Citibank the words "**This is a communication from a**

debt collector. We are attempting to collect a debt and any information obtained will be used for that purpose" are written to show Mc D... is being pursued on a debt by a debt collector-Citibank is the only party in the case.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE
MC304 (9/09) ORDER REGARDING ALTERNATE SERVICE MCR 2.105, MCR 2.105

Dated: 5/16/22

By:


Preston U. Nate (P77884)
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Defendant/Counsel Ph: (888) 906-9534

File No. CT028804

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. CT028804

In violation of the Fair Debt Collection Practices Act ("FDCPA") and Regulation of Michigan Collection Practices Act ("RMCPA), Citibank, NA ("Plaintiff") is suing M... s ("Defendant") for an ACCOUNT STATED or BREACH OF CONTRACT claim with no proof of ownership of the debt *after* it was placed into a secured trust or Asset Backed Security (ABS) and not transferred back to Plaintiff to have standing to sue M... s.

The Plaintiff Citigroup securitizes all its credit card debt at origination by bundling together a large pool of credit card receivables and selling them to investors in the form of securities. The securities are then sold to the investors who receive a stream of payments based on the cash flows generated by CitiGroup or Citibank who hold on to the servicing rights when the receivables are sold to the secured trust or ABS. See Exhibit 2. Citibank does not have any proof attached to the lawsuit it received ownership back from the ABS.

Plaintiff or its law firm have no proof of agreement or no payment made by Defendant attached to the lawsuit so there cannot be an Account Stated Claim against Defendant under Michigan law. There is no contract attached to the lawsuit or pleadings. Further, Defendant does not owe Plaintiff as the chain of title in this lawsuit lacks any evidentiary proof of the SPECIFIC DEBT of Mr. [redacted] assigned back to Plaintiff from the ABS under Michigan law and the *Brownbark, Bassett* and *Riley* cases below. **See Exhibit 1 Affidavit and Securitization Information and Exhibit 2, Analysis of Michigan Assignment Law at Exhibit 3.**

With the evidence of securitization when CitiGroup transfers its credit card receivables to a secured trust and the debt is “securitized” and Citibank claiming to be a third party or “debt collector” in its lawsuit, clearly the Plaintiff is collecting for someone else so that the asset is no longer owned by Citibank. **See attached CitiCorp’s own financial reports showing the credit cards are securitized and off the balance sheet as an asset at Exhibit 2.**

As Plaintiff Citibank has no standing to sue [redacted] and no jurisdiction over Defendant under these facts, this case should be dismissed. Thank you.

AMENDED ANSWER AND AFFIRMATIVE DEFENSES

WHEREFORE [redacted] (“Defendant”), by and through her attorneys, The Law Offices of Brian P. Parker, P.C., Answers by Amendment against Plaintiff Citibank’s Complaint against Defendant as follows:

1. Defendant Denies as not owing the debt to Plaintiff as stated. **Please see Exhibit 1 and 2 and 3.**
2. Denied as Plaintiff has failed to provide any ownership or assignment proof of the Citibank debt to sue in this jurisdiction under *Midland Funding v Michael Bassett*, Michigan Court of Appeals, No. 338404, April 24, 2018 and *Brownbark II, LP v. Bay Area Floorcovering & Design Inc. et al*, Michigan Court of Appeals Case No. 296660, May 31, 2011,