

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO.  2012-10001
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Court address  
63RD DISTRICT COURT 1950 E. BELTLINE NE GRAND RAPIDS MI 49525

Court telephone no.  
(616) 632-7776

Plaintiff name(s), address(es), and telephone no(s). MIDLAND CREDIT MANAGEMENT, INC. P. O. BOX 1628 WARREN, MI 48090  Plaintiff attorney, bar no., address, and telephone no. ELIZABETH SMITH P63010 / STEPHANIE PETTWAY P64543 JAMES SHACKELFORD P83581 / DAVID PICARDAT P83599 ANDREW PERRY P69402 / KIMBERLY A. KLEMENOK P85913 P. O. BOX 2044 WARREN, MI 48090-2044 (866) 300-8750
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Defendant name(s), address(es), and telephone no(s). N ROCKFORD MI 49791
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Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations case**

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of complaint.

**Civil Case**

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
  - MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
  - There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
  - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in  this court,  \_\_\_\_\_ Court, where it was given case no \_\_\_\_\_ and assigned to judge \_\_\_\_\_
- The action  remains  is no longer pending.

SUMMONS

Summons section completed by court clerk.

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summon and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue Date 2/28/23	Expiration Date* 5/30/23	Court clerk M
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (6/19) SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE  <b>63</b>	<b>COMPLAINT</b> Page 1 of 2	<b>CASE NO.</b>
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Court address: 63RD DISTRICT COURT 1950 E. BELTLINE NE GRAND RAPIDS MI 49525  
 Court telephone no: (616) 632-777

Plaintiff name(s), address(es), and telephone no(s).  
 MIDLAND CREDIT MANAGEMENT, INC.  
 P. O. BOX 1628  
 WARREN, MI 48090

Plaintiff attorney, bar no., address, and telephone no.  
 ELIZABETH SMITH P63010 / STEPHANIE PETTWAY P64543  
 JAMES SHACKELFORD P83581 / DAVID PICARDAT P83599  
 ANDREW PERRY P69402 / KIMBERLY A. KLEMENOK  
 P85913  
 P. O. BOX 2044  
 WARREN, MI 48090-2044  
 (866) 300-8750

Defendant name(s), address(es), and telephone no(s).  
 1 ER  
 - DR NE  
 ROCKFORD MI 49341

**COMPLAINT**

Plaintiff, MIDLAND CREDIT MANAGEMENT, INC., by counsel, sues Defendant, under Account Stated and in support thereof states as follows:

1. Plaintiff is authorized to file this Complaint in this Court. Plaintiff owns portfolios of consumer receivables, which it attempts to collect. Plaintiff strives to treat its consumers, such as Defendant, with respect, compassion and integrity, hoping to provide mutually-beneficial opportunities for consumers to repay their debts and attain financial recovery.

- 2. Defendant is subject to this Court's jurisdiction.
- 3. Defendant established an account with CAPITAL ONE BANK (USA), N.A., under redacted account number XXXXXXXX-XX-5376.
- 4. Defendant was provided statements delineating Defendants use of the account and stating the current balance due.
- 5. Defendant defaulted on the account.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE 63	<b>COMPLAINT</b> Page 2 of 2 Pages	<b>CASE NO.</b>
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Court address  
63RD DISTRICT COURT 1950 E. BELTLINE NE GRAND RAPIDS MI 49525

Court telephone no.  
6166327776

6. A statement of account balance was sent to Defendant and not paid.
7. Plaintiff has acquired all right, title and interest to Defendant's account, and has attempted to contact Defendant through several means in an effort to resolve the account with Defendant, but has been unsuccessful. Defendant has not repaid the balance owed on the account. Plaintiff remains willing to discuss various options to resolve the outstanding obligation, although the options may be different than they were prior to the initiation of litigation.
8. Defendant owes Plaintiff \$3,706.79.
9. In support of the allegations, Plaintiff incorporates herein by reference the attached Exhibits.

WHEREFORE, Plaintiff requests judgment against the Defendant for \$3,706.79 and costs of the action and post judgment interest at the statutory rate.

I declare under penalty of contempt of court that to the best of my knowledge, information and belief that this is good ground to support the contents of this pleading.

Respectfully Submitted,

Dated:

*COPY*

*COPY*

ELIZABETH SMITH P63040 /  ANDREW PERRY P69402  
 JAMES SHACKELFORD P83581 /  DAVID PICARDAT P83599  
 STEPHANIE PETTWAY P64543 /  KIMBERLY A. KLEMENOK P85913  
 Attorneys for Plaintiff  
 P. O. BOX 2044  
 WARREN, MI 48090-2044  
 (866) 300-8750

PLEASE UNDERSTAND THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Def?

**Forward Flow Receivable Sale Agreement dated January 6, 2020**

**BILL OF SALE**

**Closing Date: April 24, 2020**

Capital One Bank (USA), National Association ("Seller"), in consideration of a Purchase Price of [REDACTED] and other valuable consideration, the receipt of which is hereby acknowledged, hereby sells, assigns and transfers all right, title and interest in the Accounts identified in the Sale File entitled

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OMEGA.BN0076.SALES.PROD-EAST.BFRLE20200417\_BN0076 customer.dat.gz  
OMEGA.BN0076.SALES.PROD-EAST.BFRLE20200417\_BN0076 phone.dat.gz

(which may be in electronic form) to Midland Credit Management, Inc., a Kansas corporation ("Buyer"), without recourse or representation except as expressly provided herein or on the terms, and subject to the conditions, set forth in the Agreement (as defined below).

This Bill of Sale is delivered pursuant to that certain Forward Flow Receivable Sale Agreement, dated as of January 6, 2020, by and between Seller and Buyer (the "Agreement"). All capitalized terms used, but not defined, in this Bill of Sale shall have the meanings assigned to such terms in the Agreement.

The Sale File Delivery Date for the Sale File was April 20, 2020. The aggregate Sale Balance of the Accounts as of the Sale File Delivery Date was [REDACTED]



**CAPITAL ONE BANK (USA),  
NATIONAL ASSOCIATION**

By: [Signature]  
Name: James R. Lane  
Title: Vice President

**MIDLAND CREDIT MANAGEMENT, INC.**

By: [Signature]  
Name: Sarah Cosgrave  
Title: MVP of Business Development

Forward Flow Receivable Sale Agreement dated January 6, 2020

AFFIDAVIT OF SALE  
OF ACCOUNT  
BY CREDITOR

State of Virginia, County of Goochland.

James R. Lane being duly sworn, deposes and says:

I am over 18 and not a party to this action. I am a Vice President of Capital One Bank (USA), National Association. In that position I am aware of the process of the sale and assignment of electronically stored business records.

On or about April 20, 2020, Capital One Bank (USA), National Association sold a pool of charged-off accounts (the Accounts) by a Forward Flow Receivable Sale Agreement and a Bill of Sale to Midland Credit Management, Inc., a Kansas corporation. As part of the sale of the Accounts, electronic records and other records were transferred on individual Accounts to the debt buyer. These records were kept in the ordinary course of business of Capital One Bank (USA), National Association.

I am not aware of any errors in these accounts. The above statements are true to the best of my knowledge.

Signed this 29 day of April, 2020.

  
James R. Lane  
Vice President

SUBSCRIBED and sworn to before me, the undersigned Notary Public in the jurisdiction aforesaid, by James R. Lane, who is personally known to me and who acknowledged before me his signature to the foregoing Affidavit.

GIVEN under my hand and seal this 29 day of April, 2020.

  
William Weston Paige  
Notary Public

WILLIAM WESTON PAIGE  
NOTARY PUBLIC  
REG #7798956  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES OCT 31, 2022

**Forward Flow Receivable Sale Agreement dated January 6, 2020**



**CERTIFICATE OF CONFORMITY**

**CERTIFICATE OF CONFORMITY  
MADE PURSUANT TO  
CPLR 2309(c)  
and RPL 299-a**

I, an attorney-at-law admitted to practice in the Commonwealth of Virginia, do hereby certify that William Weston Paige, is a notary public in and for the Commonwealth of Virginia, in the jurisdiction aforementioned and the acknowledgment upon affidavits for Capital One Bank (USA), National Association are taken in the manner prescribed by the laws of the Commonwealth of Virginia and conforms to the laws thereof in all respects.

IN WITNESS WHEREOF, I have hereunto set my signature, on 4/29/2020.

James Olsted

DocuSigned by:  1ECCAM8R1XC8M4	Printed Name  Signed Name
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Attorney at Law, Commonwealth of Virginia

Field	Field Data
Account Number	██████████5376
Seller Account ID	██████████5514
First Name	NICHOLAS
Middle Name	W
Last Name	
SSN	XXX-XX-6872
Date of Birth	██████████
Address 1	2603 IDAHO RD
City	NAPERVILLE
State	IL
Zip	605649493
Open Date	12/07/2018
Last Purchase Date	08/30/2019
Last Purchase Amount	\$6.12
Last Payment Date	08/28/2019
Last Payment Amount	\$800.00
Sale Amount	\$3,807.26
Charge Off Date	03/04/2020
Charge off Balance	\$3,807.26
Post Charge Off Interest	\$0.00
Post Charge off Fee	\$0.00
Post Charge off Payments	\$0.00
Post Charge off Payments and Credits	\$0.00
Post Charge off Credits	\$0.00
Affinity	PLATINUM

Account information provided by Capital One Bank (USA), National Association pursuant to the Bill of Sale/Assignment of Accounts transferred on or about 04/24/2020 in connection with the sale of accounts from Capital One Bank (USA), National Association to Midland Credit Management, Inc.

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 OMEGA.BN0076.SALES.PROD-EAST.BFRLE20200417\_BN0076\_customer.dat.gz  
 OMEGA.BN0076.SALES.PROD-EAST.BFRLE20200417\_BN0076\_phone.dat.gz

STATE OF MICHIGAN

MIDLAND CREDIT MANAGEMENT, INC.,

Plaintiff

-vs-

AFFIDAVIT OF TARA GRELL

NICHOLAS

Defendant(s).

Tara Grell, whose business address is 16 McLeland Road Suite 101, St. Cloud, MN 56303, certifies and says:

1. I am employed as a Legal Specialist and have access to pertinent records for Midland Credit Management, Inc. ("Plaintiff" or "MCM"). I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of those account records maintained by Plaintiff. Plaintiff is the current owner of, and was assigned all the rights, title and interest to Defendant's CAPITAL ONE BANK (USA), N.A. account XXXXXXXXXXXXX5376 (hereinafter "the Account").
2. I have access to and have reviewed the electronic records pertaining to the Account maintained by MCM and am authorized to make this affidavit on MCM's behalf. The electronic records reviewed consist of (i) data and records acquired from the seller or assignor when MCM purchased or was assigned the Account, which were incorporated into MCM's business records upon purchase or assignment, and (ii) data and records generated by MCM in connection with servicing the Account since the date the Account was purchased by or was assigned to MCM.
3. I am familiar with and trained on the manner and method by which MCM creates and maintains its business records pertaining to the Account, which consist of (i) data and documents acquired from the seller or assignor, and (ii) subsequent collection and/or servicing activities by MCM. The records are acquired or created, and are kept in the regular course of MCM's business. It was in the regular course of MCM's business for a person with knowledge of the subsequent collection and/or servicing activities recorded, and a business duty to report,

AFFIDAVIT OF TARA GRELL - 1

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to make the record or data compilation, or to transmit information thereof to be included in such record, or for such information to be posted in MCM's records by a computer or similar digital means. In the regular course of MCM's business, the record or compilation of the subsequent collection activities is made at or near the time of the act or event by MCM as a regular practice.

4. MCM's records show that Defendant(s) owed a balance of \$3,706.79 as of 2022-12-08.

I certify under penalty of perjury that the foregoing statements are true and correct.

JAN 09 2023  
Date

Tara Grell  
Tara Grell

STATE OF MINNESOTA  
COUNTY OF STEARNS

Signed and sworn to (or affirmed) before me on  
by Tara Grell.

JAN 09 2023

*Almost  
two  
months  
early.*



Margaret M. Watzke  
Notary Public

CA137

AFFIDAVIT OF TARA GRELL - 2

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