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23-1

STATE OF MICHIGAN
IN THE 15TH DISTRICT COURT

Portfolio Recovery Associates, LLC

Plaintiff.

Case No.

vs.

Hon.

Defendant.

WEBER & OLCESE, P.L.C.
Michael J. Olcese (P46247)
Sazan Bardha (P65425)
Michael Kirschenheiter(P75722)
Attorneys for Plaintiff
P.O. Box 3006
Birmingham, Michigan 48012
800/594-3705

COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in this complaint.

NOW COMES Plaintiff, Portfolio Recovery Associates, LLC ("Plaintiff"), by and through its attorneys, Weber & Olcese, P.L.C., and for its Complaint against Defendant(s), JEFFREY V ATKINS ("Defendant"), states as follows:

JURISDICTION

1. That pursuant to MCR 2.113(C)(2), there is no other pending or resolved civil action arising out of the transactions or occurrences alleged in this Complaint.
2. That Plaintiff is doing business in the City of Norfolk VA 23502.
3. That upon information and belief, Defendant is domiciled in the City of ANN ARBOR MI 48108-2042.
4. That the amount in controversy is \$ -

COUNT I

ACCOUNT STATED

5 That Plaintiff incorporates by reference Paragraphs 1 through 5

6 That on or about October 20, 2022, the account at issue was transferred, sold and/or assigned from CIT ONLINE BANK to Plaintiff. (See attached bill of sale)

NOT TRUE

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F

ASS

7 That Plaintiff, through its assignor, and Defendant have consented to a sum as the credit balance due from one another on the account, Account Number: *****7768.

8 That Defendant has received periodic billing statements from Plaintiff's assignor to which Defendant has made payment(s) towards and/or not objected to.

9 That Defendant's payments and/or failure to successfully question the state of the account within a reasonable amount of time constitutes an admission of correctness.

10 That Defendant has been given all set-offs, credits and/or allowances on the account and is indebted to Plaintiff in the amount of \$1,000.00 (see attached Exhibits).

11 That a statement of the account and an affidavit verifying the account are attached to this Complaint and incorporated by reference (see attached Exhibits).

WHEREFORE, Plaintiff prays that Judgment be entered in its favor and against Defendant in the amount of \$

Respectfully submitted,

WEBER & OLCESE, P.L.C.

By: _____

- Michael Olcese (P46247)
 - Sazan Bardha (P65425)
 - Michael Kirschenheiter (P75722)
 - Geoffrey Werber (P67124)
 - Sandra Francis (P74229)
- Attorneys for Plaintiff

Dated: July 25, 2023

BILL OF SALE

FOR VALUE RECEIVED, and pursuant to the terms and conditions of the Master Account Purchase Agreement between Dell Financial Services L.L.C. ("Seller") and Portfolio Recovery Associates, LLC ("Purchaser"), dated as of February 1, 2022 ("Effective Date"), and incorporated herein by reference, Seller does hereby sell, assign, transfer, deliver and convey to Purchaser, and its successors and assigns all rights, title and interests of Seller in and to those certain Purchased Accounts described in Exhibit A-1 attached hereto and made a part hereof for all purposes.

For purposes of this Bill of Sale the File Creation Date shall be October 12, 2022. Unless otherwise defined herein, all capitalized terms appearing in this Bill of Sale shall have the meanings defined for such terms in the Agreement.

To the best of Seller's knowledge and belief, all of the information contained in the Purchased Accounts File, and Seller's Purchased Accounts Information, is and shall be true, complete, accurate and not misleading in any material respect. Further, all of the information contained in Seller's Purchased Accounts Information (a) constitutes Seller's own business records regarding the Purchased Accounts; and (b) accurately reflects in all material respects the information about the Purchased Accounts in Seller's possession. All of Seller's Purchased Accounts Information has been kept in the regular course of Seller's business, and was made or compiled at or near the time of the event and recorded by (or from information transmitted by) a person (i) with knowledge of the data entered into and maintained in Seller's business records, or (ii) who caused the data to be entered into and maintained in Seller's business records. It is the regular practice of Seller's business to maintain and compile such data.

This BILL OF SALE is executed without recourse and without any representation or any warranty of collectability or otherwise, expressed or implied, except as provided in the Account Purchase Agreement.

AS IS.

DocuSign Envelope ID: 8731047A-78B4-4B80-AF35-6F7C9FA285EB

EXECUTED this 20th day of October, 2022

SELLER:

PURCHASER:

DELL FINANCIAL SERVICES L.L.C.

PORTFOLIO RECOVERY ASSOCIATES, LLC

By: Stephen J. Snyder
Stephen J. Snyder (Oct 19, 2022 11:36 CDT)

By: Tony Spencer
DocuSigned by: Tony Spencer

Look up

Print
Name: Stephen J. Snyder

Print
Name: Tony Spencer

Print
Title: Senior Consultant, Transactional Collections

Print
Title: Authorized signer

DocuSign Envelope ID: 8731047A-78B4-4880-AF

DocuSign Envelope ID: 8731047A-78B4-4880-AF

BILL OF SALE

FOR VALUE RECEIVED, and pursuant to the terms and conditions of the Account Purchase Agreement ("Account Purchase Agreement") among WebBank ("Bank"), Dell Revolver Company L.P. ("Revolver"), and Dell Financial Services L.L.C. ("DFS"), dated January 31, 2014, Bank does hereby sell, assign and convey to DFS as Designee for Revolver, its successors and assigns, as of the charge off date thereof, title and interest of Bank in and to those certain accounts described in Schedule 1 attached hereto and made a part hereof for all purposes. Terms used herein shall have the meanings set forth in the Account Purchase Agreement.

This BILL OF SALE is executed without recourse and without representation of any warranty of collectability or otherwise, expressed or implied, except as may be specifically provided in the Program Documents.

Dated this 17th day of October 2022.

WEBBANK

By: Jon Sargent

Name: Jon Sargent

Title: Controller

Look UP

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EXHIBIT A-1

TO

BILL OF SALE

The Purchased Accounts are the Charged-Off Accounts that are included in the electronic file named FY23_FFDS_M9_SaleFile.xls dated October 12, 2022 and incorporated herein by reference, which is defined in the Agreement as the Purchased Accounts File.

These Purchased Accounts were sold, assigned, transferred, delivered, and conveyed from WebBank ("Bank") to Dell Financial Services L.L.C. ("Seller") as described in the specific Bill of Sale dated October 17, 2022.

Faint, illegible text, possibly a signature or stamp.

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Schedule 1
to
Bill of Sale dated October 17th, 2022

Accounts specifically identified in the following file: FY23_FFDS_M9_SaleFile.xls ✱
is saved on PRA's secured shared drive at the following path: Sales Files and Info/ FY23 / FY23 FFDS
Month 9

11/15/2022 10:42:00 AM

11/15/2022 10:42:00 AM

Missing (6)
Data Extension

AMT SINCE CO	0.00
POST CO CREDITS	0.00
POST CO DEBITS	0.00
POST CO INTEREST	0.00
POST CO FEES	0.00
ORIG CREDITOR	CIT OnLine Bank
REFERENCE A	FreshCO FF oct2022 sales WebBank
COURT FEES	0.00
ORG NUMBER	001
S2 INSTRUCTION CODE	RCVRPRIS
LOAN POOL NUM	202209
BILL CYCLE	25
ORIG_COLLECT_ENTRY_D ATE	02/25/2022
FILE SEGMENT	LOW
COVERED BORROWER	N
PCT ID	593

[Handwritten mark]

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AFFIDAVIT

Commonwealth of Virginia
City of Danville ss

I, the undersigned, Angela Murphy, Custodian of Records, for Portfolio Recovery Associates, LLC hereby depose, affirm and state as follows:

1. I am competent to testify to the matters contained herein.

2. I am an authorized employee of Portfolio Recovery Associates, LLC, ("Account Assignee") which is doing business at Riverside Commerce Center, 120 Corporate Boulevard, Norfolk, Virginia, and I am authorized to make the statements, representations and averments herein, and do so based upon a review of the business records of the Original Creditor CIT ONLINE BANK and those records transferred to Account Assignee from DELL FINANCIAL SERVICES, L.L.C. ("Account Seller"), which have become a part of and have integrated into Account Assignee's business records, in the ordinary course of business.

*
*
No Mention
of
Web
Bank

3. According to the business records, which are maintained in the ordinary course of business, the account, and all proceeds of the account are now owned by the Account Assignee, all of the Account Seller's interest in such account having been sold, assigned and transferred by the Account Seller on 10/20/2022. Further, the Account Assignee has been assigned all of the Account Seller's power and authority to do and perform all acts necessary for the settlement, satisfaction, compromise, collection or adjustment of said account, and the Account Seller has retained no further interest in said account or the proceeds thereof, for any purpose whatsoever.

4. According to the records transferred to the Account Assignee from Account Seller, and maintained in the ordinary course of business by the Account Assignee, there was due and payable from JEFI NS ("Debtor and Co-Debtor") to the Account Seller the sum of \$1 with respect to account number ending in as of the date of 08/29/2022 with there being no known uncredited payments, counterclaims or offsets against the said debt as of the date of the sale.

5. According to the account records of said Account Assignee, after all known payments, counterclaims, and/or setoffs occurring subsequent to the date of sale, Account Assignee claims the sum of \$1,919.01 as due and owing as of the date of this affidavit.

6. Plaintiff believes that the defendant is not a minor or an incompetent individual, and declares that the Defendant is not on active military service of the United States.

Portfolio Recovery Associates, LLC
By: Angela Murphy, Custodian of Records

Where is
reference to

Subscribed and sworn to before me on APR 20 2023

Ashley Averett
Notary Public

