

## **ANATOMY OF COLLECTION LAWSUIT DEFENSE USING THE BILL OF SALE AND FILE EXTENSIONS TO YOUR ADVANTAGE**

### **Here is a PRA v Client Lawsuit #1**

Portfolio Recovery Associates, LLC is suing Defendant with a Bill of Sale, Assignments, A Sale File and an Affidavit. Seems like you can't win, right?

Let's look at the Bill of Sale Documents.

Complaint has CIT Online Bank as Original Creditor at Paragraph #6.

Go to Bill of Sale: No Reference to CIT Online Bank just jumps to Dell Financial.

The Exhibit attached to the Bill of Sale shows a Sales file with an data extension of SaleFile.xls and claim the files were sold from WebBank to Dell Financial, no mention of the original creditor, CIT Online Bank.

New Bill of Sale pops up with WebBank, Dell Revolver Company and Dell Financial. Again, no assignment to Dell Revolver or WebBank from anyone.

Look at Jon Sargent signature. Faded and not connected to the Bill of Sale that is off to the left. Similar Account file with extension SaleFile.xls and a new one Sales Files and Info/FY22/FY22 FFDS Month 11 (no file extension or data extension).

*New SaleFile shows up with no data extension and confirms CIT Online is the Original Creditor and another Sales File FreshCo FF Dec 2021 sales WebBak.*

Look at Secured Trust reference-Loan Pool Num 20211

Affidavit is all over the place and missing entities the Affiant supposedly has reviewed as stated in her Affidavit. She is saying the Original Creditor is CIT Online Bank with reference to records transferred to Account Assignee (unnamed?) from Dell Financial and no other entities.

Complete Broken Chain of Title from beginning to end and confirmed under oath in the Affidavit. References Debtor as Defendant and PRA as Plaintiff even though the Affidavit was sworn under oath almost a month before the lawsuit was filed.

# FILE EXTENSIONS SHOW INCLUSION OF DEBT OR NOT

## PRA v Client Lawsuit Example #2

This is an example of the file extension (eg .csv, .pdf, .docx, .rtf) argument I mentioned. Notice the file name without the extension:

### EXHIBIT B

#### BILL OF SALE

Barclays Bank Delaware ("Seller"), for value received and pursuant to the terms and conditions of the Forward Flow Purchase Agreement (the "Agreement") dated August 24, 2020 between Seller and Portfolio Recovery Associates, LLC ("Purchaser"), hereby assigns, conveys, grants and delivers to Purchaser, effective as of the Closing Date of December 31, 2020, all rights title and interest of Seller in and to those certain evidences of debt ("Accounts") described on computer files furnished by Seller to Purchaser with a current balance totaling [REDACTED]

With respect to these Accounts, the terms below will have the following meanings:

**Accounts.** All Barclays Accounts included on the data file, named ffs\_202012\_finl, provided to Purchaser by Seller on the Cut-off Date and incorporated herein by reference.

Amounts due to Seller by Purchaser in U.S. Dollars by a wire transfer to be received by Seller on Closing Date by 5:00 p.m. to the Federal Reserve Account after confirming the Bill of Sale.



This Bill of Sale is executed without recourse except as stated in the Agreement. No other representation or warranty of title or enforceability is expressed or implied.

|            |                                     |
|------------|-------------------------------------|
| SELLER:    | Barclays Bank Delaware              |
| By:        | <u>[Signature]</u>                  |
| Title:     | <u>Collection Strategy Director</u> |
| Date:      | <u>1/14/2021   8:27 PM GMT</u>      |
| PURCHASER: | Portfolio Recovery Associates, LLC  |
| By:        | <u>[Signature]</u>                  |
| Title:     | <u>Authorized Signer</u>            |
| Date:      | <u>1/14/2021   12:51 PM PST</u>     |

There are no identifiers' on the "Bill of Sale" connecting it to the rest of the documents in the Exhibit. The Bill of Sale claims ffs\_202012\_finl details the Accounts associated with the Sale File here:

Sale File: FFS\_202012\_FINL.CSV

|                |           |
|----------------|-----------|
| ACCOUNT NUMBER | *****7132 |
| ADD ACCT NUM1  |           |
| ADD ACCT NUM2  |           |
| ADD ACCT NUM3  |           |
| ADD ACCT NUM4  |           |
| ADD ACCT NUM5  |           |
| ADD ACCT NUM6  |           |
| ADD ACCT NUM7  |           |

Sale File: FFS\_202012\_FINL.CSV

|                          |         |
|--------------------------|---------|
| CHARGE OFF BALANCE       | 8291.97 |
| POST_CO_INTEREST_BALANCE | 0.00    |
| POST_CO FEE BALANCE      | 0.00    |
| BUYER_PURCH_BALANCE      | 8291.97 |
| SUM_POST_CO_CRED         | 0.00    |
| SUM_POST_CO DEBT         |         |

However, there are no file extension in the file description. So, there is no connection between the two addresses.

In PRA's Exhibit B. They claim the Bill of Sale is for a transaction with all of the accounts associated with the transaction included on data file, named, *ffs\_202012\_finl* The next page shows a table allegedly stored on data file *ffs\_20212\_finl.csv*

The data file described on the Bill of Sale does not match the data file description on the second and third page, so we cannot conclude they are the same file.

Without specifying a file extension, we have no way of knowing that the first data file they mention in the Bill of Sale is the same file as the one on or in the Sale file that is added to show the debt is the same as the one mentioned in the Bill of Sale, which does specify a file extension.