

John Henry Doe
123 Main Street,
Anderson, TX 77050

CORPORATION Name
CORPORATION Street Address
CORPORATION City, State, & Zip

AFFIDAVIT

NOTICE OF BILLING ERROR

NOTICE TO AGENT IS NOTICE TO PRINCIPLE NOTICE TO PRINCIPLE IS NOTICE TO AGENT

Date:

The undersigned Affiant, (Enter Name), herein after, "Affiant" does solemnly swear, declare and state as follows:

Pursuant to 12 CFR 1026.13 - Billing Error Resolution

I, (Enter Name), dispute account number **(Put Account Number In Red)** in the amount of (\$ Enter Dollar Amount) have submitted correspondence to (CORPORATION NAME) to rectify this matter and it has yet to be resolved.

Please furnish documentary evidence in accord with 15 U.S. Code 44 of record of accounts where (CORPORATION NAME) awarded me, (Enter Name), with any payment pertaining to this alleged debt.

Pursuant to 15 U.S. Code 1666b(a)

Notice, it is fact affiant is aware 15 U.S. Code 1637(b)(2)(a) refers to a request to resolve a billing error by providing all documentary evidence for clarification of who funded this account and whose obligation it is to pay this alleged debt on this account. **(Put Account Number in Red)**. Until then (CORPORATION NAME) cannot report late payments in accordance with the regulations of the Bureau 12 CFR 1026.13(d)(3).

Pursuant to 15 U.S. Code 1666(e)

If the creditor does not provide all documentary evidence as defined under 15 U.S. Code 44 this will result in a billing error and the creditor forfeits all rights to collection on the amount that has been identified in dispute.

Notice, it is fact affiant is aware that without resolving this billing error the creditor has legally agreed to forfeit all rights to collect on the amount in dispute pursuant to 15 U.S. Code 1666(e).

Pursuant to 12 U.S. Code 5562(c)(10) - Production of Document Material

Notice, it is fact affiant is aware the consumer has the right to request the money audit trail. I am requesting this documentary material in accordance with 12 U.S. Code 5562(c)(10) to address this subject matter. Without this documentary evidence, there is no evidence of this alleged debt.

Pursuant to 12 U.S. Code 1831n(2)(a) - GAAP Audit Trail, Accounting and Insurance

Notice, it is fact affiant is aware the consumer has the right to request the GAAP Audit Trail in accordance with 12 U.S. Code 1831n(2)(a) and without this documentary evidence to properly address this subject matter, there is no evidence of this alleged debt.

Pursuant to 16 CFR 433.3(b)(4) a contract which in a contract which includes a waiver, condition or limitation for a debtor to assert rights for claims or defense against a seller is void.

Notice it is fact in accordance with 15 C.F.R. 433.3(b)(4) I the affiant has reason to believe and do so believe a contract cannot and does not constitute as documentary evidence or contain a negotiable instrument or contain any waiver, limitation, term, or condition which has the effect of limiting a consumer such as I, (Enter Name), the affiant any right to assert against any holder of a contract with any and all legally sufficient claims and defense which could be asserted against the seller of goods and services and in all subject matter pursuant 16 C.F.R. 433.3(b)(4) said contract is unenforceable and void.

Notice in fact a contract has not given the consumer the full disclosure of said contract with any written, oral, known or unknown subject matter shall not constitute as documentary evidence.

I the affiant has reason to believe and do so believe (CORPORATION NAME) has failed to meet all requirements established in 16 C.F.R. 433.2(a).

Furthermore (CORPORATION NAME) used my open ended credit plan in accordance to 16 C.F.R. 433.2(a) to furnish which furthermore proves they did not extend credit to me in regard to this alleged debt.

Pursuant 15 U.S. Code 1692e(2) false character, amount, or legal status of any debt.

Notice it is fact that I the affiant am aware that the false character of the amount of this alleged debt is in violation of 15 U.S. Code 1692e(2)(a). Affiant has proof of this violation as (CORPORATION NAME) alleges I owe an alleged debt , yet the account shows the billing in a positive amount. How can I pay into an account which is already positive? This is in violation of TILA.

Pursuant to 18 U.S. Code 8 - Obligation or Other Security of the United States

Notice in fact that affiant is aware that all obligation of debt is the responsibility of the United States.

Please adjust this account to a zero balance and return all funds paid into this alleged debt, including payments of interest, downpayment, etc. You have 10 days of receiving this notice to comply. If you cannot provide all documentary evidence requested then you have agreed to the terms of this notice.

I have included a copy of the bill as proof of a billing error. See Exhibit 1.

California Rule

California, in the minority of states, applies the mailbox rule to option contracts as well. In *Palo Alto v. BBTC Co.*, 11 Cal.3d 494 (1974), the Court held, "In California the "effective upon posting" rule has received legislative sanction and is the declared policy of this state. As previously explained, when the notice of exercise of the option is viewed as an acceptance of an irrevocable offer, such notice is clearly covered by section 1583."

Notice to Agent Notice Knowledge U.C.C 1-202

Respectfully

All Rights Reserved Without Prejudice - U.C.C. 1-308

Name: _____ (Sign to the left)

Executor Of The Estate
Authorized Representative

Certificate of Acknowledgement

The State of (Enter Your State)

County of (Enter Your County)

Before me, _____ (insert the name and character of the officer) on this day personally appeared _____, known to me (or proved to me on the oath of _____ or through (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration there in expressed.

(Seal)

Given under my hand and seal of office this ____ day of _____, 20____.

(Notary's Signature)
Notary Public, State of (Enter Your State)