CIVIL COURT OF THE CITY OF NEW YORK

Subject Purcha	CTIVES AND PROCEDURES et: Default Judgments on used Debt		May 13, 2009	
BACK	GROUND			
Consumer credit actions may be commenced by a creditor who contracted directly with the debtor or by a third party who subsequently purchased the debt/account. In the past, lenders such as American Express did their own collections, now most lenders sell the debt to a debt purchaser who may collect on the debt or sell the debt to a subsequent debt purchaser. Since our procedures were based on debt collection by the original lender, we are adjusting our procedures to include current practices of third party-debt collection. This directive will address the entry of judgments by the clerk based upon the defendant's failure to answer on consumer credit actions where the debt was purchased by the plaintiff after September 1, 2009.				
DIRECTIVE				
When a plaintiff who is a third-party debt collector (an entity/person other than the original lender) requests entry of a default judgment to the clerk, in addition to the requirements of CPLR § 3215, the filer must submit the following supplemental affidavits:				
•	An Affidavit of Sale of Account by Original Creditor see attached; and	completed b	by the original lender,	
•	In addition, if an account which has been purchased is buyer an Affidavit of the Sale of the Account by the Eseller. There shall be one Affidavit of the Sale of the sale, <i>see attached</i> ; and	Oebt Seller n	nust be completed by the	
•	An Affidavit of a Witness of the Plaintiff, which included by the plaintiff/plaintiff's witness, see attack.		of title of the accounts,	

Fern A. Fisher

Deputy Chief Administrative Judge

Jack Baer

Chief Clerk

Date _____5/13/09

AFFIDAVIT OF SALE OF ACCOUNT BY ORIGINAL CREDITOR

State of New York, Count	ty of		
t	peing duly sworn, depo	oses and says:	
I am over 18 and not a par	rty to this action. I am (creditor). In	the n that position I	(title) of am a custodian of the creditor's
books and records, and an stored business records.	n aware of the process	of the sale and a	assignment of electronically
off accounts (the Account	s) by a Purchase and S	ale Agreement a	(creditor) sold a pool of charged and a Bill of Sale to sale of the Accounts, electronic
records and other records	were transferred on in-	dividual Accoun	nts to the debt buyer. These (creditor).
I am not aware of any erroknowledge.	ors in these accounts.	The above stater	ments are true to the best of my
Signed thisday	y of,	·	
		(Na	me of Affiant)
Sworn before me this	day of	,,	_·
(Notary Stamp)			

FREE CIVIL COURT FORM

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AFFIDAVIT OF SALE OF ACCOUNT BY DEBT SELLER

State of New York, Cou	nty of		
	_being duly sworn, depos	ses and says:	
I am over 18 and not a p	arty to this action. I am to (debt seller).	the In that position I am the cu	(title) of astodian of the debt
seller's books and record electronically stored bus	ds, and am aware of the p	procedures used for the sale	and assignment of
On (date)		(debt seller) sold a poo	ol of charged-off
accounts (the Accounts)	by a Purchase and Sale A	Agreement and a Bill of Sal	e
to	(debt buyer)	on All records rewere received with affidavi	(debt seller) had
previously bought the A	ccounts from	on	<u> </u>
The original creditor wa	S	All records re	ceived by
sellers records and are k	ept in the regular course	ss. The records were incor	porated into the debt
Signed thisd	ay of,		
		(Name of Affiar	nt)
Sworn before me this	day of	·	
(Notary Stamp)			

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CIVIL COURT, CITY OF NEW YORK	Index number
COUNTY OF	
Plaintiff (Debt Buyer)	AFFIDAVIT OF WITNESS
	OF PLAINTIFF
	(DEBT BUYER)
VS.	
Defendant (Consumer)	
State of New York, County of	
being duly sworn, depose	es and says:
I am over 18 and not a party to this action. I am th	ne (title) of
(plaintiff). In	that position I am the custodian of the books
and records of the debt buyer, and am aware of the	· · · · · · · · · · · · · · · · · · ·
records transferred from the (creditor/debt seller) a business records.	and the assignment of electronically stored
ousmess records.	
Chain of Title:	
Based upon the attached affidavit(s) of sale	e on (date)
(original cree	ditor) sold a pool of charged-off accounts by a
Purchase Agreement and a Bill of Sale to	(debt buyer). As
part of that sale, electronic records of indiv course of business of	
	he defendant's account subject of this lawsuit
was included in the purchase, and	(buyer) received
account records of the defendant. These re	ecords were incorporated into the debt buyer's
records and kept in the regular course of bo	usiness.
The account was then sold to the following	g debt buyers in order of occurrence:
1	
2	
3	
4	
5.	plaintiff).

The defendant's account subject of this lawsuit was included in the purchase, and each debt buyer received account records of the defendant. These records were incorporated into the debt buyer's records and kept in the regular course of business.

I believe that there are no errors in these accounts. my knowledge.	The above statements are true to the best of
Signed thisday of,	
Sworn before me this day of	(Name of Affiant)
(Notary Stamp)	
(110mly 5mllp)	

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