

In The State of Arizona
Case Number CC2010-xxxxRC
Portfolio Recovery Associates,LLC, Plaintiff
vs. Consumer

DEFENDANT'S FIRST SET REQUESTS FOR ADMISSIONS

Defendant

The Defendant requests the following discovery of the Plaintiff, pursuant to Arizona 16 A.R.S. Rules of Civil Procedure, Rule 26.1 (Prompt Disclosure of Information), Rule 26.1(a) Duty to Disclose, Scope, and 26.1b (Time for Disclosure; a Continuing Duty.) Plaintiff is directed to serve its verified answers, and to produce the requested documents in conformance with the above-cited rules, on or before forty (40) days from the date certified below, to the Defendant's Residence xxxx,Az,85xxx.

In the event you become aware of or acquire in your possession, custody or control, of additional responsive documents, you are asked promptly to produce such additional documents for inspection and copying.

INSTRUCTIONS AND DEFINITIONS

1. For the purposes of these discovery requests, the following definitions apply:
 - A. "Defendant" means [Consumer]. The alleged original creditor is Wells Fargo Bank and the account means any alleged account related to the debt.
 - B. "Plaintiff" or "Plaintiffs" refer to Portfolio Recovery Associates,LLC as well as any person in their agency or employ.
 - C. "Creditor" refers to as well as any person in their agency or employ.
 - D. " FDCPA" refers to the Fair Debt collection Practices act in it's entirety.
 - E. "Document" as used herein means, original, copies of original, or copies of any records, minutes, notices, books, papers, contracts, memoranda, invoices, correspondence, notes, calendars, photographs, drawings, charts, graphs other writings, recording tapes, recording discs, mechanical or electronic information storage or recording elements (including any information stored on a computer), written and recorded telephone messages, and any other "documents". If a document has been prepared in several copies, or additional copies have been made that are not identical (or are no longer identical by reason of subsequent notation or other modification of any kind whatsoever, including with out limitation notations on the backs of pages thereof) each non-identical copy is a separate document.
 - F. "And", "or", and "and/or" shall be construed as broadly as possible so that information otherwise within the scope of the request is not excluded.
 - G. "Statement" or "Statements" means the periodic monthly statement issued by the plaintiff
 - H. "Assignment Agreement" includes but is not limited to bills of sale, the actual purchase and assignment agreement document (s) including the terms and conditions of the sale, and the schedule of accounts included in sale. Assignment Agreements

shall also mean the complete documentation of the chain of custody between the original creditor and plaintiff.

I. "Application" means the document or documents submitted to the original creditor for the purposes of acquiring the account.

J. "Person" includes natural persons, corporations, partnerships, associations, or any type of entity, and agents, servants, employees, and representatives thereof.

K. The "debt" means the alleged debt that is the subject of this lawsuit.

L. The term "identify", when used in reference to an individual person or business entity means to state the person's or entity's full name, and if applicable, present occupation or position, professional qualifications, employer, employees, present business address, and present and past business affiliations with or relationships to any of the parties in this action known.

M. When used in reference to a document, "identify" means to describe the type of document (e.g., "letter"), date, author and addressee, to state the location of the documents and the name, address and relationship to each party in this action of each and every person who has such document in his or her possession, custody or control.

N. "Attorney" means [Attorneys on the other side] or any other Arizona Licensed Attorney employed by Debt Collector.

O. Please remember that answering the interrogatories, you must furnish all requested information, not subject to valid objection, that is known by, possessed by, or available to you or your subsidiaries, employers, employees, managers, attorneys, consultants, agents, or representatives.

P. If you are unable to fully answer any of these interrogatories, please answer them to the fullest extent possible, specify the reasons for your inability to further answer and state whatever information, knowledge or belief that you have concerning the portion not fully answered.

Q. Each numbered subpart of a numbered interrogatory is to be considered a separate interrogatory for the purpose of objection. Thus, you must object separately to each subpart; and if you object to less than all of the subparts of a numbered interrogatory, answer the remaining subparts.

R. If any information called for in these interrogatories is withheld on the ground that such information is for any reason exempt from discovery, then:

1. State the ground or grounds for withholding such information;
2. Describe the type of information being withheld;
3. Identify all persons who have knowledge of the information being withheld;
4. Furnish such other information as may be required to enable the court to adjudicate the propriety of your refusal to furnish such information;

S. Please remember that you are under a duty to seasonably supplement your response to each questions directly addressed to the identity and locations of persons having knowledge of discoverable matters, and other information that may come to you in the future.

1. For persons, state the person's name, residence address, business address, telephone number, and the name of his/her employer;
2. For entities, state the name and address of its principal place of business, telephone number (if the person's entity's present address is known, please give his/her last known address);
3. For documents, state the author, addressee and recipient, date, a general

description, a brief summary of its contents, the name and address of the custodian or the original, or best copy, any any other descriptive information necessary in order to adequately describe it in a subpoena duces tecum or in a request or motion for its production; in lieu of such identification, you may attach a copy of each document to your answer to these interrogatories;

4. For oral communications, state exactly what was said, when, where, by whom, to whom, and who else was in hearing distance; and identify all documents that mention, relate to, or have any connection with each such communications.

5. Whenever appropriate in these discovery requests, the singular and plural forms of words shall be interpreted interchangeably so as to bring within the scope of these requests any matter which might otherwise be construed outside their scope.

6. Unless otherwise indicated, these discovery requests apply to the time period commencing when the Defendant allegedly opened the account, through the present.

7. Except as expressly provided in a particular discovery request, all of the terms utilized in these discovery requests shall have the meaning given to them in the Arizona Trial Rules of Civil Procedure.

CLAIMS OF PRIVILEGE

If an objection to a request is based upon a claim of privilege or attorney work product, identify each document so withheld. With regard to all documents or portions of documents withheld on this basis, identify its creator; provide a brief description of the document, and state with particularity the basis of the claim of privilege, work product, or other ground of nondisclosure.

LOST OR DESTROYED DOCUMENTS

If any document requested has been lost, discarded, or destroyed, identify such document. State the type of document, its date, the approximate date it was lost, discarded, or destroyed, the reason it was lost, discarded or destroyed, a summary of its substance, and the identity of each person having knowledge of the contents thereof.

REQUESTS TO ADMIT FACTS

The Defendant requests that the Plaintiff answer the following requests to admit facts pursuant to, and in accordance with, Arizona 16 A.R.S. Rules of Civil Procedure . If the Plaintiff objects to any requested admission, the reason therefore shall be stated. The Plaintiff's answer shall specifically admit or deny the requested admission, or set forth in detail the reasons why the Plaintiff cannot truthfully admit or deny the requested admission. A denial shall fairly meet the substance of the requested admission, and when good faith requires that the Plaintiff qualify an answer or deny only in part of the matter of which an admission is requested, the Plaintiff shall specify so much of it as is true and qualify or deny the remainder, again detailing the specificity of the denial of the part thereof.

Fact No. 1

Please admit that you were not assigned Wells Fargo obligations under the purchase

agreement.

Fact No. 2

Please admit that you do not have the original or a copy of an assignment between you and Wells Fargo.

Fact No. 3

Please admit that there was no written agreement, signed by Defendant, between Defendant and Wells Fargo.

Fact No. 4

Please Admit that there is no written agreement between Portfolio Recovery Associates, LLC and the Defendant.

Fact No. 5

Please admit that the defendant is authorized to pay the Original Creditor/Lender until he receives notification of assignment of rights to payment, and that payment is to be made to the assignee.

Fact No. 6

Please admit that in the state of AZ Pursuant to IC 24-4.5-3-406, that if requested by the debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the debtor may pay the original lender.

Fact No. 7

Please admit that you did not send the defendant any notification of assignment of the account or assignment of rights.

Fact No. 8

Please admit that as of the date you drafted your Complaint, you had no evidence admissible at trial that proves Defendant owes the debt.

Fact No. 9

Please admit that Portfolio Recovery Associates, LLC are considered Debt collectors under the Fair Debt Collection Practices Act.

Fact No. 10

Please admit that you are barred under the Fair Debt Collection Practices Act § 1692 f(1) from collecting interest on any amount not authorized by the agreement creating the debt or permitted by law.

Fact No. 11

Please admit that you do not have the agreement to claim the amount(s) submitted in the complaint.

Fact No 12

Please admit that you do not have a copy of or the original Wells Fargo Cardholder Agreement.

Fact No 13

Please admit that you did not transfer your alleged assignment rights over to [law firm] in order for them to collect your alleged debt.

Fact No. 14

Please admit that [law firm] is the real party in interest.

Fact No. 15

Please admit that if you did purchase the alleged account it was in default.

Fact No. 16

Please admit that if this assignment is proven by you it was purchased for less than the amount submitted in your complaint.

Fact No. 17

Admit that no notification of attempt to collect on this debt was sent to the following address by Portfolio Recovery Associates,LLC: [defendant's address].

Fact No. 18

Please admit that you cannot provide documents proving Portfolio Recovery Associates,LLC owns this debt.

Fact No. 19

Please admit that all of the below companies are your affiliates.
Aka/Anchor Receivables Management

Fact No. 20

Please admit that your complaint is time barred in Arizona under Statute of Limitations.