

IN THE STATE COURT OF \_\_\_\_\_  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

)  
)  
) CIVIL ACTION NO: \_\_\_\_\_  
)  
)  
)

**DEFENDANT'S REQUEST FOR ADMISSIONS OF FACT TO PLAINTIFF**

According to O.C.G.A. Paragraph 9-11-36, Defendant requests that within thirty-three (33) days from date of service, the Plaintiff make the following Admissions of Fact.

1. At the time of filing suit against Defendant, Plaintiff had no photocopies or originals of documents supporting any claim for money against Defendant.
2. Plaintiff does not have the original or any copy of any contract purporting to be the basis of any debt owed by Defendant to Original Creditor.
3. Please admit that you did not send the Defendant any notification of assignment of the account or the assignment of rights.
4. Please admit that you are barred under the Fair Debt Collection Practices Act Paragraph 808(1) [15 USC 1692f] from collecting interest on any amount not authorized by the agreement creating the debt or permitted by law.
5. Plaintiff did not have any copy or original of any contract purporting to be the basis of any debt owed by Defendant to Original Creditor at the time of filing suit against Defendant.
6. Please admit that law offices of \_\_\_\_\_ are the real party in interest.
7. Please admit that if this assignment is proven by you it was purchased for less than the amount submitted in your Complaint.
8. Please admit that you cannot provide documents proving \_\_\_\_\_ owns the alleged debt.

**DEFENDANT'S FIRST INTERROGATORIES TO PLAINTIFF**

COMES NOW Defendant and propounds the following Interrogatories on Plaintiff, to be answered in accordance with O.C.G.A. Paragraph 9-11-33. You are required to answer these Interrogatories separately and fully in writing, under oath, and to serve a copy of your answers on Defendant within thirty-three (33) days after the date of service to you. You may mail it to Defendant's address.

1. Please identify each person who either answered, or was consulted in providing answers to these Interrogatories, and state which interrogatory was answered by each such person listed.



2. Identify the person or entity from whom you purchased Defendant's Account.
3. Identify each document by which Defendant's Account was transferred to or acquired by you, and state whether the transfer was by assignment or some other means.
4. Identify each of your employees who has attempted to collect the Account Balance from Defendant, and describe what actions were taken by each such employee to collect, or attempt to collect the Account Balance from Defendant.
5. Identify every individual employed by Original Creditor who had direct or supervisory authority over Defendant's Account (or over department responsible for collecting Defendant's Account) before it was assigned, transferred and/or sold to you.
6. State whether you have a copy of any contract that contains Defendant's signature on it. If your answer is "No", state whether you have a copy of any document that contains Defendant's signature and if so, identify each such document.
7. Identify all documents, including electronic media, which you consulted or upon which you relied in generating your Complaint.
8. Do you contend that you made a demand for payment from Defendant? If your answer is "Yes", give the date on which you made the demand, state the amount you demanded, and identify all documents that reflect the demand.
9. State the total amount of principal that you contend the Defendant borrowed from the Original Creditor, give the date and amount on which each principal sum was borrowed, and identify the goods and/or services that Defendant purchased with the credit that was given.
10. State the amount of interest that was charged to Defendant pursuant to each principal sum that was borrowed, and describe the manner in which you calculated the interest.
11. As of the date you made your demand for payment to Defendant, how much of the amount you demanded was principal and how much was interest, and explain the basis of your calculations by making specific reference to documents on which your calculations are based.
12. State the amount of each late fee, over limit fee, application fee or any similar charge that was ever assessed against Defendant with respect to Defendant's Account.
13. With respect to Defendant's Account, do you contend that Defendant was in default on any payments to the Original Creditor or anyone else? If your answer is "Yes", give each date on which you contend Defendant was in default and state the amount by which the Defendant was in default as of that date.
14. Describe the exact consideration paid by you to acquire the Defendant's Account. If all or part of the consideration was money, state the exact sum of money that was paid, from whom it was paid, and the date it was paid.
15. List all information consulted by any agent of Plaintiff prior to filing suit to determine the validity of the debt allegedly owed Plaintiff by Defendant, and identify each agent consulting that information and the date upon which the information was consulted.
16. State your net worth as of the date of your answers to these interrogatories.
17. As of the date of answers to these interrogatories, state the total amount you claim Defendant owes you, state the amount of that money that constitutes principal, interest, attorney's fees, court costs and/or any other fees, list every document that supports your calculation of these figures, identify every document that authorizes you to collect these amounts, give detailed description of how you calculated these figures, and identify every individual who has personal knowledge of the accuracy of these figures and/or who has personal knowledge that the figures were accurately calculated or determined.



18. What is total amount of money you have received in payment toward the Account Balance? As to each payment made, specify the date it was made, by whom and the amount.
19. What is total amount of money any person has received in payment toward the Account Balance? As to each payment made, specify the date it was made, by whom, by whom received, and the amount.
20. Have you obtained any written or oral statements from any persons who have any knowledge of the subject matter of this action? If so, state as to each statement: the name and address of person making statement; the date said statements were made; whether the statements were written, oral or by recording device; the name and address of person who took the statements; the name and address of person in possession of the statements; and please attach copy of each such statement.
21. Please state Plaintiff's full name and address.

#### **DEFENDANT'S FIRST REQUEST TO PRODUCE DOCUMENTS TO PLAINTIFF**

Defendant now serves Plaintiff the following request for production of documents according to O.C.G.A. Paragraph 9-11-34. You are required to make the documents available for Defendant to inspect within thirty-three (33) days after the date of service to you. You may mail copies of the documents to Defendant's address.

1. Any and all account cards or balance sheets showing debits, credits and/or a running balance, prepared in connection with Defendant's Account.
2. Any and all written correspondence or notes of oral correspondence between you and Defendant, or between you and any third party concerning Defendant's Account, including copies of any and all notices of default or demands for payment that you or a third party sent to Defendant.
3. Copies of all documents you received from Original Creditor in connection with Defendant's Account.
4. All documents showing assignment of Defendant's Account to you or to any intermediate person or entity, beginning with the first assignment by the Original Creditor and ending with the final assignment to you.
5. Any and all documents, not covered by another section of this request, that purport to bear Defendant's signature and relate to the subject matter of the Complaint.
6. Any and all documents you consulted or relied upon in the preparation of the Complaint or answers to Interrogatories.
7. Copies of your federal and state income tax returns for the years of 2004-2009.
8. All documents supporting any calculation of damages against Defendant, including actual damages, attorney's fees, late fees, membership fees, over limit fees, interest calculations and court costs.
9. A copy of any written demands for payment made to Defendant.
10. A copy of any credit applications or credit investigations of Defendant concerning Defendant's Account.
11. Please evidence proof of the Defendant's alleged debt to Plaintiff, including specifically agreements bearing Defendant's signature that legally requires the Defendant to pay the amount entered into Complaint.
12. All documents identified in response to Defendant's Interrogatories served herewith and not otherwise produced.