Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

#23203190

IN THE CIRCUIT COURT OF BENTON COUNTY
ASSOCIATE JUDGE DIVISION
STATE OF MISSOURI

LVNV FUNDING LLC	)	
	)	
Plaintiff,	)	Cause No.
	)	
vs.	)	Division No.
	)	
CLAYTON B BRADSHAW	)	
	)	
SERVE AT:	)	
22073 MOELLMAN AVE	)	
LINCOLN MO 65338-2553	)	
	)	
Defendant(s).	)	

P E T I T I O N -- ACCOUNT STATED

COMES NOW, Plaintiff, LVNV FUNDING LLC , and for its cause of action against Defendant(s), states as follows:

1. Plaintiff was at all times relevant herein a A LIMITED LIABILITY COMPANY, duly organized and existing under law.

2. Plaintiff is the holder of a valid assignment of an account previously owned by NAVY FEDERAL CREDIT UNION with an account number ending in **********7063.

3. Defendant(s) is/are resident(s) of BENTON COUNTY, Missouri.

4. Defendant(s) and NAVY FEDERAL CREDIT UNION had previous financial transactions arising from a credit arrangement for which original creditor issued statement(s) reflecting the transactions initiated by or for the benefit of the Defendant(s), to which Defendant(s) did not object.

5. By using the credit and receiving the statement(s) without objection, Defendant(s) made a promise to pay the amount due.

6. The balance agreed to by the parties is $2,861.87.

7. The Defendant(s) has/have failed to keep his/her/their promise to pay said balance, despite demand for same having been made on or before November 26, 2021.

WHEREFORE, Plaintiff, LVNV FUNDING LLC prays for judgment against the Defendant(s) in a sum of $2,861.87, together with post judgment interest from the date of Judgment, all costs expended herein and for any other and further relief this Court deems just and proper.

GAMACHE & MYERS, P.C.

BY:_____

DAVID R. GAMACHE, 34112 davidgamache@gmcollects.com
EDWARD J. MYERS, 34975 edwardmyers@gmcollects.com
DONALD A. HOROWITZ, 42340 donaldhorowitz@gmcollects.com
JOSEPH A. TERRY, 60421 josephterry@gmcollects.com
CRAIG A OVERSTREET, 56135 craigoverstreet@gmcollects.com
CAROLINA S. DONEY, 64467 carolinadoney@gmcollects.com
Attorneys for Plaintiff
1000 CAMERA AVE SUITE A
CRESTWOOD (ST LOUIS) MO 63126
(314) 835-6602
FAX (314) 835-6604

JOSEPH A. TERRY 60421
JOSEPHTERRY@GMCOLLECTS.COM

"THIS COMMUNICATION IS FROM A DEBT COLLECTOR, IN AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE."

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

#23203190

VERIFICATION

I, the Affiant, of lawful age, state that my office accessed the Defense Manpower Data Center website and conducted a search of Defendant's first name, last name and social security number, and found no record of Defendant as an active duty member of the Armed Services of the United States of America, all according to the best of my information, knowledge and belief.

Executed this day 9/5, 2023.

Subscribed and sworn to before me on 9/5, 2023.

NOTARY PUBLIC

CHERYL ROZANSKI
Notary Public - Notary Seal
St Louis County - State of Missouri
Commission Number 10393315
My Commission Expires Oct 18, 2024

My Commission expires:

"THIS COMMUNICATION IS FROM A DEBT COLLECTOR, IN AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE."

Not an Official Court Document

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Account Holder: Clayton B Bradshaw

Original Creditor Name: Navy Federal Credit Union

Legal Seller: Navy Federal Credit Union

Account Number: **********7063

BEFORE ME, the undersigned personally appeared and personally known by me, this day, and who after being duly sworn upon his/her oath deposes and states:

1. I am a competent person over eighteen years of age. I am an Authorized Representative for LVNV Funding LLC, (hereinafter "Plaintiff"). As an Authorized representative for Plaintiff, I am authorized to execute this affidavit on its behalf and the information below is true and correct to the best of my knowledge, information and belief.
2. In the ordinary course of business Plaintiff regularly purchases revolving credit accounts, installment accounts and/or other credit lines from the original creditor or their successor(s)-in-interest. Plaintiff purchased the credit account of Defendant herein, account number referenced above (hereinafter the "Credit Account") from the Original Creditor or its successor-in-interest.
3. The scope of my job responsibilities includes the supervision or oversight of credit account records maintained by Plaintiff, including the Credit Account referenced above. In the performance of my duties, I am familiar with the manner and method by which Plaintiff or their agent creates and/or maintains its normal business books and records, including computer records and/or data of its purchased credit accounts, in the ordinary course of its business. As such, I am the custodian of said business records.
4. Plaintiff business records for the Credit Account of Defendant reflect that the just and true balance due and owing to Plaintiff by the Defendant on the Account Number **********7063 as of the date hereof is $2,861.87, according to the business records provided to Plaintiff by the Original Creditor or its successor-in-interest at the time the Credit Account was purchased, less credit for all payments, together with interest and other applicable costs as allowed by law.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PAMELA JORDAN
Notary Public-State of South Carolina
My Commission Expires
February 27, 2027

Angela K. Manent
Signature
Angela Manent

Authorized Representative

Before me personally appeared the person whose name and title is identified above being of age and duly sworn upon his/her oath, states that he/she has read the foregoing Affidavit and the facts stated therein are true and correct to the best of his/her knowledge, information and belief.

The foregoing affidavit sworn to and subscribed before me this Tuesday, August 1, 2023.

My commission expires: _____

Notary Public

"THIS IS A COMMUNICATION FROM A DEBT COLLECTOR, IN AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE."

/12915

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Not an Official Court Document

EXHIBIT B
BILL OF SALE AND ASSIGNMENT OF ACCOUNTS

Navy Federal Credit Union, a federally-chartered credit union with offices at 820 Follin Lane SE, Vienna, VA 22180 ("Seller") hereby absolutely sells, transfers, assigns, sets-over and conveys to Resurgent Acquisitions LLC, a limited liability company organized under the laws of Delaware with an office at 55 Beattie Place, Suite 110, Greenville, SC 29601, ("Buyer") without recourse and without representations or warranties, express or implied, of any type, kind or nature except as set forth in the Agreement (hereinafter defined):

(a) all of Seller's right, title and interest in and to each of the Accounts identified in the Computer File, and

(b) all principal, interest or other proceeds of any kind with respect to the Accounts, but excluding any payments or other consideration received by or on behalf of Seller on or prior to July 25, 2022, with respect to the Accounts.

This Bill of Sale is being executed and delivered pursuant to and in accordance with the terms and provisions of that certain Loan Sale Agreement made and entered into by and between Seller and Buyer dated October 14, 2022 (the "Agreement"). The Accounts are defined and described in the Agreement and are being conveyed hereby subject to the terms, conditions and provisions set forth in the Agreement.

This Bill of Sale shall be governed by the laws of the State of Virginia without regard to the conflicts-of-laws rules thereof.

DATED: October 18, 2022

SELLER: Navy Federal Credit Union

By: Dana Vader

Dana Vader

Title: Senior Vice President,
Procurement and Vendor Management

COMMONWEALTH OF VIRGINIA
) ss.
COUNTY OF FAIRFAX

On 17 October 2022, before me the undersigned officer, personally appeared Dana Vader, who acknowledged him/herself to be the SVP Procurement and Vendor Management of Navy Federal Credit Union, a federally chartered credit union, signer and sealer of the foregoing instrument, and that he/she as such officer, being authorized so to do, acknowledged the execution of the same to be his/her free act and deed as such officer and the free act and deed of said corporation.

IN WITNESS WHEREOF, I hereunto set my hand.

Aprille A. Sherman

Commissioner of the Superior Court
Aprille A. Sherman, Notary Public

Record Number: 360340

APRILLE A. SHERMAN
NOTARY PUBLIC • REG. # 360340
Commonwealth of Virginia
My Commission Expires 01/31/25

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

AMENDED AND RESTATED BILL OF SALE AND ASSIGNMENT OF ACCOUNTS

Navy Federal Credit Union, a federally-chartered credit union with offices located at 820 Follin Lane SE, Vienna, VA 22180 ("Seller"), executes this Amended and Restated Bill of Sale and Assignment of Accounts ("Amended Bill of Sale") in favor of Resurgent Acquisitions LLC, a Delaware limited liability company with offices located at 55 Beattie Place, Suite 110, Greenville, SC 29601 ("Buyer"), and states as follows:

WITNESSETH:

WHEREAS, pursuant to that certain Loan Sale Agreement dated, October 14, 2022 (as amended, supplemented or otherwise modified from time to time, the "Agreement"), by and between Seller and Buyer, and that certain Bill of Sale and Assignment of Accounts, dated and effective October 18, 2022 (the "Bill of Sale"), by Seller in favor of Buyer, Seller conveyed the Accounts to Buyer;

WHEREAS, Seller's signature to the Bill of Sale was notarized, but the notarization was inadvertently and erroneously dated October 17, 2022, instead of October 18, 2022; and

WHEREAS, Seller and Buyer desire to correct this inadvertent error and to execute and deliver this Amended Bill of Sale, effective as of October 18, 2022.

NOW, THEREFORE, Seller amends and restates the Bill of Sale as follows:

Seller hereby absolutely sells, transfer, assigns, sets-over and conveys to Buyer, effective as of October 18, 2022, without recourse and without representations or warranties, express or implied, of any type, kind or nature except as set forth in the Agreement:

(a) all of Seller's right, title and interest in and to each of the Accounts identified in the Computer File, and

(b) all principal, interest or other proceeds of any kind with respect to the Accounts, but excluding any payments or other consideration received by or on behalf of Seller on or prior to July 25, 2022, with respect to the Accounts.

This Amended Bill of Sale is being executed and delivered as of the date hereof, effective as of October 18, 2022, pursuant to and in accordance with the terms and provisions of the Agreement. The Accounts (and the Computer File) are defined and described in the Agreement and the Accounts are being conveyed hereby, effective as of October 18, 2022, subject to the terms, conditions and provisions set forth in the Agreement.

This Amended Bill of Sale shall be governed by the laws of the Commonwealth of Virginia without regard to conflicts-of-laws rules thereof.

[*Remainder of page intentionally left blank; Signature page follows*]

DATED: July 25, 2023

SELLER: Navy Federal Credit Union

By: Dana Vader

Dana Vader

Title: Senior Vice President,
Procurement and Vendor Management

COMMONWEALTH OF VIRGINIA
) ss.
COUNTY OF FAIRFAX

On 25 July 2023, before me the undersigned officer, personally appeared Dana Vader, who acknowledged herself to be the SVP Procurement and Vendor Management of Navy Federal Credit Union, a federally chartered credit union, signer and sealer of the foregoing instrument, and that she as such officer, being authorized so to do, acknowledged the execution of the same to be her free act and deed as such officer and the free act and deed of said corporation.

IN WITNESS WHEREOF, I hereunto set my hand.

Karen Tai, Notary Public

Record Number: 7912750

Karen Tai
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7912750
My Commission Expires 5/31/2025

Not an Official Court Document

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Declaration of Account Transfer

Resurgent Acquisitions LLC ("RALLC"), without recourse, to the extent permitted by applicable law, transferred, sold, assigned, conveyed, granted and delivered to LVNV Funding LLC ("LVNV") all of its right, title and interest in and to the receivables and other assets (the "Assets") identified on Exhibit A, in the Receivable File dated July 25, 2022 delivered by Navy Federal Credit Union on October 18, 2022 for purchase by RALLC on October 18, 2022. The transfer of the Assets included electronically stored business records.

Resurgent Acquisitions LLC
a Delaware Limited Liability Company

By: _____
Name: Jackson Walker
Title: Authorized Representative

LVNV Funding LLC
a Delaware Limited Liability Company

By: _____
Name: Daniel Picciano
Title: Authorized Representative

Not an Official Court Document

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Exhibit A

Receivables File

10.18.22 Account Data (CO-1060) - Unmasked_Pool3_Card

Transfer Group	Portfolio	Transfer Batch
860611	40889	N/A

Not an Official Court Document

FileName	LineNumber	Account_Number	Garnet_Account_ID	SNRID
Account Data (CO-1060) - Unmasked_Pool3_Card	22144	[Redacted]1620	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22145	[Redacted]3725	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22146	[Redacted]4087	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22147	[Redacted]4616	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22148	[Redacted]6041	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22149	[Redacted]7445	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22150	[Redacted]4193	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22151	[Redacted]4292	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22152	[Redacted]5992	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22153	[redacted]	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22154	[redacted]063	[redacted]591	[redacted]5232
Account Data (CO-1060) - Unmasked_Pool3_Card	22155	[Redacted]8871	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22156	[Redacted]0562	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22157	[Redacted]3020	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22158	[Redacted]3434	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22159	[Redacted]5678	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22160	[Redacted]8094	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22161	[Redacted]8136	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22162	[Redacted]8284	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22163	[Redacted]0884	[Redacted]	[Redacted]
Account Data (CO-1060) - Unmasked_Pool3_Card	22164	[Redacted]1023	[Redacted]	[Redacted]

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

Electronically Filed - BENTON COUNTY CIRCUIT COURT - November 08, 2023 - 10:45 AM

ACCOUNT SUMMARY REPORT

7/28/2023 2:30:12 PM

This account summary has been prepared by Resurgent Capital Services on behalf of LVNV Funding LLC. It is not a credit card or other account statement from the original creditor.

Borrower Information		Current Account Information	
Name:	CLAYTON BRADSHAW	Owner:	LVNV Funding LLC
Address:	22073 Moellman Ave	Resurgent Reference #:	739057833
City:	Lincoln	Original Creditor:	Navy Federal Credit Union
State:	MO	Account Number:	XXXXXXXXXXXX7063
Zip Code:	65338-2553	Current Balance Due:	$2861.87
		Date of Last Payment:	08/20/2021

Recent Payment Transactions

No Transactions Found

Historical Account Information

The original creditor for this account was:	Navy Federal Credit Union 820 Follin Ln Vienna, VA 22180
The origination date with original creditor was:	12/17/2013
The account charge-off date was:	11/26/2021
The account charge-off amount was:	$2,861.87
The account was acquired on or about:	10/18/2022
The account balance at time of acquisition:	$2,861.87

This communication is from a debt collector and this is an attempt to collect a debt. Any information obtained will be used for that purpose.

Not an Official Court Document