

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF CLINTON

TD BANK USA, N.A.

PLAINTIFF,

-AGAINST-

SAMANTHA N JENNETTE

DEFENDANT(S).

INDEX NUMBER:
 2023-00023615
 FILE NO. F068659

**AFFIDAVIT OF
 FACTS**

STATE OF MINNESOTA)

SS:

COUNTY OF HENNEPIN)

Jamile Hernandez, being duly sworn, deposes and says that:

- I, Jamile Hernandez am an employee of Target Enterprise, Inc. ("Servicer"), the exclusive servicer and custodian of business records of Target-branded credit card accounts owned by Plaintiff TD Bank USA, N.A. ("Plaintiff"), and I have access to Plaintiff's books and records ("Business Records"), including electronic records, relating to the account ("Account") of SAMANTHA N JENNETTE ("Defendant"). The last four digits of the Account number are **5980**. In my position, I have personal knowledge of the procedures for creating and maintaining Plaintiff's Business Records. Plaintiff's Business Records were made in the regular course of business, and it was the regular course of such business to make the Business Records. The records were made at or near the time of the events recorded. Based on my review of Plaintiff's Business Records, I have personal knowledge of the facts set forth in this affidavit.
- Servicer is the servicer for the Plaintiff in the underlying action. Plaintiff has authorized Servicer to service and maintain the Business Records relating to the Account, along with giving testimony and executing affidavits, declarations, and certifications on behalf of Plaintiff regarding the Account.

3. Plaintiff and Defendant entered into a credit agreement ("Agreement"). Defendant agreed to pay Plaintiff for all goods, services and cash advances provided pursuant to the Agreement. The amount of the last payment made by Defendant was \$194.00, made on December 15, 2022. Defendant is now in default and demand for payment has been made. A true and correct copy of the Agreement or document(s) evidencing the Agreement are attached as an exhibit to this affidavit.
4. I have personal knowledge of Plaintiff's procedures for generating and mailing account statements to customers. It is the regular practice of Plaintiff's business to provide periodic account statements to its customers. On or about July 17, 2023, Plaintiff sent one or more account statements relating to the Account to Defendant stating the amount due as \$7,323.57. The account statement(s) were mailed to Defendant's last known address and Plaintiff's records do not reflect that the statement(s) were returned by the post office or that the Defendant objected to them. A true and correct copy of the final account statement(s) is attached as an exhibit to this affidavit.
5. At this time, Defendant owes \$7,323.57 on the Account. This amount includes a charge-off balance of \$7,323.57, post-charge-off interest of \$0.00, post-charge-off fees of \$0.00, less any post-charge-off credits or payments made by or on behalf of the Defendant of \$0.00.
6. As set forth in New York CPLR Article 50, the interest rate applicable to the Account pursuant to section five thousand four of this chapter applies.

Wherefore, deponent demands judgment against Defendant for \$7,323.57, together with the costs and disbursements of this action.

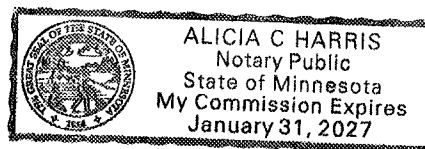
The above statements are true and correct to the best of my personal knowledge.

Date: 11.21.23

[Handwritten Signature]
Affiant Signature
Jamela Howard
Affiant Name

Signed, sworn to and acknowledged before me this 21 day of November, 2023

[Handwritten Signature: Alicia Harris]
Notary Public



CERTIFICATE OF CONFORMITY

I, Kyle Evens, an attorney-at-law of the State of Minnesota who resides in the State of Minnesota and is fully acquainted with the laws of the State of Minnesota pertaining to the acknowledgment or proof of deeds of real property to be recorded herein, do hereby certify that I am duly qualified to make this certificate of conformity pursuant to Section 299-a of the Real Property Law of the State of New York and hereby certify that the acknowledgment or proof upon the foregoing document was taken by Alicia Harris, a notary public in the State of Minnesota, in conformity with the laws of the State of Minnesota, being the state in which the Affidavit was executed.

IN WITNESS WHEREOF, I have hereunto set my signature, this 22nd day of November 2023.


Kyle Evens Esq.

Attorney at Law, State of Minnesota

TD BANK USA, N.A. Account Itemization

Account Number Ending in	5980
Original Creditor	TD BANK USA, N.A.
Borrowers Full Name	SAMANTHA N JENNETTE
Balance Due printed on the most recent monthly statement reflecting charge/payment/balance transfer	\$ <u>7323.57</u>
Last 4 digits of Account number printed on the most recent monthly statement reflecting charge/payment/balance transfer	<u>5980</u>
Last Payment Date	<u>12.15.22</u>
Last Payment Amount	\$ <u>194.00</u>
Charge Off Date	<u>7.17.23</u>
Charge Off Balance	\$ <u>7323.57</u>
Total Post Charge Off Interest	\$0.00
Total Post Charge Off Charges	\$0.00
Total Post Charge Off Fees	\$0.00
Total Post Charge Off Credits	\$ <u>0.00</u>
Current Outstanding Balance	\$ <u>7323.57</u>

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