

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF MONTGOMERY

JPMORGAN CHASE BANK, N.A.,)	
)	
Plaintiff,)	
vs.)	INDEX NO. EF2021-3
)	
MS DIANE L COMPANI,)	
)	
Defendant(s).)	
)	
)	

**AFFIDAVIT OF FACTS BY ORIGINAL CREDITOR
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

STATE OF TEXAS)
) ss.
COUNTY OF BEXAR)

The undersigned, being duly sworn, deposes and says:

1. I, Amy Wingo, am over 18 years old and competent to testify to the matters set forth herein. I am an employee and Authorized Signing Officer for JPMorgan Chase Bank, N.A., successor by merger to Chase Bank USA, N.A. ("Plaintiff"). Chase Bank USA, N.A., merged with and into JPMorgan Chase Bank, N.A., on May 18, 2019. I am authorized to make this affidavit on behalf of Plaintiff.

2. As an Authorized Signing Officer, my employment duties include reviewing the electronic, paper, and other books and records ("Business Records") of Plaintiff's credit card accounts that are in default and are the subject of consumer credit litigation. Due to the nature and scope of my employment duties, I have continuing access to Plaintiff's Business Records and have personal knowledge of Plaintiff's procedures for creating and maintaining these records.

3. Plaintiff's Business Records are: (a) made at or near the time of the occurrence of the matters set forth therein; (b) made by, or from information transmitted by, persons with knowledge and a business duty to report, or are made by a computer or other similar digital means which contemporaneously records an event as it occurs; and (c) kept in the course of Plaintiff's regularly conducted business activities and it is the regular practice of Plaintiff to make such records. The statements herein are based upon my personal knowledge obtained from my review of Plaintiff's Business Records.

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4. Due to the nature and scope of my employment duties, I have personal knowledge of Plaintiff's processes and procedures for the delivery of account documentation. Plaintiff utilizes one or more methods of delivery of account documentation, including regular, first-class mail via the United States Postal Service, overnight or special delivery service (e.g., United Parcel Service or FedEx), and/or electronic means. Plaintiff sends all documentation to the customer at the physical and/or electronic address provided by the customer. A review of Plaintiff's Business Records relative to the subject account indicates that Plaintiff provided all account documentation to the defendant in one of the manners listed above.

5. Plaintiff's Business Records show that MS DIANE L COMPANI ("Defendant") opened an account with Plaintiff or its predecessor for the purpose of obtaining an extension of credit on 04/28/2006 ("Account"). The last four digits of the Account number are 9041. A true and correct copy or accurate representation of the electronic record of Defendant's Account application is attached hereto as **Exhibit A**.

6. Plaintiff provided Defendant with the Cardmember Agreement ("CMA") governing the Account, which contained the terms and conditions applicable to Defendant's Account. A true and correct copy of an exemplar CMA applicable to Defendant's Account is attached hereto as **Exhibit B**.

7. It is Plaintiff's regular practice to generate and provide customers with written notification of changes to the terms and conditions contained in the CMA ("Change in Terms"). True and accurate representations of the electronic records of the Change in Terms generated for Defendant's Account since 2014, or, if Defendant's Account was opened in or after 2014, all Change in Terms generated on the account, and provided to Defendant are attached hereto collectively as **Exhibit C**.

8. After opening the Account, Defendant did use or authorize the use of the Account for the acquisition of goods, services, or cash advances. Defendant failed to make the required payment(s) on the Account and demand for payment has been made.

9. Plaintiff provided Defendant periodic billing statements for the Account, which described the charges, interest, fees, payments, credits, and the amount due on the Account. True and correct copies of the last 36 periodic billing statements provided to Defendant are attached hereto collectively as **Exhibit D**.

10. The last payment in good and collectable funds on the Account was on or about 02/13/2020 in the amount of \$500.00. The last charge, balance transfer, cash advance, or other debit that Defendant initiated and charged to the Account was on or about 02/27/2020 in the amount of \$0.99.

11. The Account charged-off on 08/31/2020. The total amount of credits and payments since charge-off is \$0.00. Credit has been given to Defendant for all just and lawful offsets, payments, and credits as of the signing of this affidavit. The total amount of debits since charge-off is \$0.00.

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12. Based on my review of Plaintiff's Business Records relating to Defendant's Account, there are no unresolved billing disputes regarding the Account.

13. The balance due and owing on the Account as of the signing of this affidavit is \$34,442.99. Plaintiff does not seek post-charge-off interest or fees.

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

JPMORGAN CHASE BANK, N.A.

Amy Wingo

Name: Amy Wingo
Title: Authorized Signing Officer
Date: 08/19/2021

Subscribed and sworn to (or affirmed) before me on 08/19/2021,
by Amy Wingo.

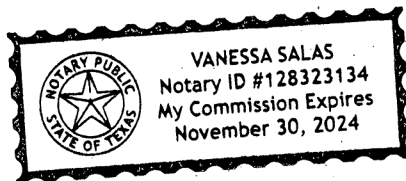
Vanessa Salas

Signature of Notary

Vanessa Salas

Print, Type/Stamp Name of Notary

Personally known to me X OR
Produced identification N/A
Type of identification produced: N/A



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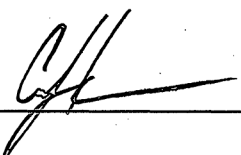
CERTIFICATE OF CONFORMITY

STATE OF TEXAS)
) ss.:
COUNTY OF BEXAR)

The undersigned does hereby certify that s/he is an attorney at law duly admitted to practice in the State of Texas; that s/he is a person duly qualified to make this certificate of conformity pursuant to Section 299-a of the Real Property Law and CPLR § 2309(c) of the State of New York pertaining to acknowledgments, oaths or affirmations; that s/he is fully acquainted with the laws of the State of Texas; that the foregoing acknowledgment, oath or affirmation of Amy Wingo, named in the foregoing instrument taken before Vanessa Salas, a notary public, was taken in the manner prescribed by such laws of the State of Texas, being the state in which it was taken; and that it duly conforms with such laws and is in all respects valid and effective in such state.

AUG 19 2021

Witness my signature on this day: _____

Sign 

Print Cody W. Beitel

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