NYSCEF DOC. NO. 7

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AFFIDAVIT OF FACTS AND SALE OF ACCOUNT BY CITIBANK, N.A. (Debt Buyer Actions)

STATE OF MISSOURI

COUNTY OF PLATTE

Account Holder: JOSEPH POLIZZI SR Account #: ending in 8482

SSN/EIN/TIN #: xxx-xx-2078

The undersigned, being duly sworn, deposes and says:

)) ss.

)

1. I am an employee of Citibank, N.A. ("Citibank"), an Original Creditor as defined in Section 202.27-a of the New York Uniform Civil Rules for The Supreme Court and The County Court, and I have personal knowledge of and access to Citibank's books and records ("Business Records"), including electronic records, relating to a pool of charged-off consumer credit accounts sold or assigned by Citibank to Cavalry SPV I, LLC ("Debt Buyer"), on 11/22/2019 (the "Sale"), which included the account 8482 ("Account") of the consumer JOSEPH POLIZZI SR ("Consumer") identified in the exhibits attached hereto and incorporated herein. As part of the Sale, Citibank assigned all of its interest in the Account, including the right to any proceeds from the Accounts, to Debt Buyer, and Citibank transferred business records relating to the Account to Debt Buyer. A true and correct copy of the bill of sale which pertains to the Account is attached as an exhibit to this affidavit.

2. In my position, I also have personal knowledge of Citibank's procedures for creating and maintaining Citibank's business records pertaining to the Account ("Business Records"), including Citibank's procedures relating to the sale and assignment of consumer credit accounts. Citibank'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 Business Records were made at or near the time of the events recorded. Based on my knowledge of Citibank's Business Records, I have personal knowledge of the facts set forth in this affidavit.

3. Citibank and Consumer were parties to a credit agreement ("Agreement"), the terms of which are reflected in the last billing statement sent to Consumer by Citibank prior to chargeoff, which is attached hereto as an exhibit. Consumer agreed to pay Citibank for all goods, services and cash advances provided pursuant to the Agreement. The date and the amount of the last payment, if any, made by Consumer are set forth in an exhibit attached hereto and made a part hereof. Consumer defaulted and a demand for payment was made by Citibank. A true and correct copy of the Agreement is attached as an exhibit to this affidavit.

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4. At the time of the Sale, Consumer owed the amount set forth in the exhibits attached hereto and made a part hereof, which exhibits may also show the name of Consumer; the last four digits of the Account number, the date and amount of the charge-off balance; the date and amount of the last payment, if any; the total amounts, if applicable, of any post-charge-off interest and post-charge-off fees and charges; any post-charge-off credits or payments made by or on behalf of Consumer; and the balance due at the time of the Sale. The above statements are true and correct to the best of my personal knowledge.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

EXECUTED on MAR 20, 20 20	<u>)</u> .		
	Blanker		
	Signature		
	B Gauper		
	Name		
STATE OF MISSOURI)) ss.			
COUNTY OF PLATTE)	22		
Subscribed and sworn to before me by	B Gauper this day		
of, 20 <u>20</u> .			
CEX.	[SEAL]		
Notary Public	CAROLYN E HUGHES Notary Public - Notary Seal State of Missouri, Jackson County Commission #14927304		
My commission expires: January 26, 2022	MV COmmission Evaluate Lan On Anna		
Personally known OR Produced identification			
Type of identification produced:			
Citi Employee Badge			

FILED: SCHOHARIE COUNTY CLERK 06/02/2021 11:10 AM

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CERTIFICATE OF CONFORMITY

I, J. Vogler an attorney-at-law of the State of Missouri who is licensed to practice law in the State of Missouri and is fully acquainted with the laws of the State of Missouri pertaining to the acknowledgement or proof of deeds of real property to be recorded therein, 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 acknowledgement or proof upon the foregoing document was taken by Carolyn E. Hughes, a notary public in the State of Missouri, in the manner prescribed by the laws of the State of Missouri and conforms to the laws thereof in all respects.

IN WITNESS WHEREOF. I have hereunto set my signature. this 20^{44} day of March 2020.

Missouri Bar # 51227

Contract ID: CV8MUMAA021819 Document ID: CV8MUMAA022119C2 Document ID: 111419CV1MU3FMB1

BILL OF SALE AND ASSIGNMENT

THIS BILL OF SALE AND ASSIGNMENT dated November 22, 2019, is by Citibank, N.A., a national banking association organized under the laws of the United States, located at 5800 South Corporate Place, Sioux Falls, SD 57108 (the "Bank") to Cavalry SPV I, LLC, organized under the laws of the State of Delaware, with its headquarters/principal place of business at 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595 ("Buyer").

For value received and subject to the terms and conditions of the Master Purchase and Sale Agreement dated February 18, 2019 and Addendum No. 2 dated February 21, 2019, between Buyer and the Bank (the "Agreement"), the Bank does hereby transfer, sell, assign, convey, grant, bargain, set over and deliver to Buyer, and to Buyer's successors and assigns, the Accounts described in Exhibit 1 to the Addendum and the final electronic file.

Citibank, N.A.

By: (Signature)

Name: Gary Goldberg

Title: <u>Authorized Party</u>

Α

Contract ID: CV8MUMAA021819 Document ID: CV8MUMAA022119C2 Document ID: 111419CV1MU3FMA1

Exhibit 1

The individual Accounts transferred are described in the final electronic file and delivered by the Bank to Buyer, the same deemed attached hereto by this reference.

Lot	Sale ID	# of Accounts	Sale Balance	Cut-Off Date
Brands Fresh Flow	111419CV1MU3FM	14,311		11/14/2019

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