

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. G ----- JUDGE JAMES B. BRADY
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Court address **47TH DISTRICT COURT 31605 W 11 MILE RD. FARMINGTON HILLS MI 48336** Court telephone no. **(248) 871-2900**

Plaintiff name(s), address(es), and telephone no(s). MIDLAND FUNDING LLC P. O. BOX 1628 WARREN, MI 48090
Plaintiff attorney, bar no., address, and telephone no. ELIZABETH SMITH P63010 ANDREW PERRY P69402 STEPHANIE PETTWAY P64543 P. O. BOX 2044 WARREN, MI 48090-2044 (877) 737-1749

Defendant name(s), address(es), and telephone no(s). v 121236 WHITTINGTON BALANCE DUE: :
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SUMMONS **NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued:
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).MCR2.111(C)
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 11-7-17	This summons expires 2-6-18	Court clerk JC
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*This summons is invalid unless served on or before its expiration date.
This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8005.

Family Division Cases

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family of family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) P. O. BOX 1628 WARREN, MI 48090	Defendant(s) residence (include city, township, or village) F.
Place where action arose or business conducted OAKLAND COUNTY, MI	

Date 10/31/17

Signature of Attorney/Plaintiff
ELIZABETH SMITH / ANDREW PERRY
STEPHANIE PETTWAY

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT 47 COUNTY PROBATE	SUMMONS AND COMPLAINT Page 2 of 3 Pages	CASE NO.
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Court address
47TH DISTRICT COURT 31605 W 11 MILE RD. FARMINGTON HILLS MI 48336

Court telephone no.
2488712900

VERIFIED COMPLAINT
ACCOUNT STATED

NOW COMES the Plaintiff, Midland Funding LLC, by its attorney, and for its Complaint against the above named Defendant, states to this Honorable Court as follows:

1. The Defendant resides within this court's venue and venue is proper in this court.
2. The amount in controversy is within this court's jurisdiction.
3. Plaintiff, Midland Funding LLC owns portfolios of consumer receivables, which it attempts to collect. When working with individual consumers, Plaintiff, Midland Funding LLC and its affiliates generally attempt to contact consumers like Defendant through several means, all in an effort to establish contact and to resolve the underlying obligation. In doing so, Midland Funding LLC attempts to assess each consumer's willingness to pay, through phone calls, letters or other means. Midland Funding LLC attempts to exclude consumers from its collection efforts, where Midland Funding LLC believes those consumers are facing extenuating circumstances or hardships that would prevent them from making any payments.
4. When Midland Funding LLC contacts consumers, it strives to treat consumers with respect, compassion and integrity. Midland Funding LLC works with consumers in an effort to find mutually-beneficial solutions, often offering discounts, hardship plans, and payment options. Midland Funding LLC's efforts are aimed at working with consumers to repay their obligations and to attain financial recovery. Midland Funding LLC strives to engage in dialogue that is honorable and constructive, and to play a positive role in consumers' lives.
5. Despite Midland Funding LLC's efforts to reach consumers and resolve the consumer's obligations, only a percentage of consumers choose to engage with Midland Funding LLC. Those who do are often offered discounts or payment plans that are intended to suit their needs. Midland Funding LLC would prefer to work with consumers to establish voluntary payment arrangements resulting in the resolution of any underlying obligations. However, the majority of Midland Funding LLC's consumers ignore calls or letters, and some simply refuse to repay their obligations despite an apparent ability to do so. When this happens, Midland Funding LLC must decide then whether to pursue collection through legal channels, including litigation like the present action against Defendant. Although the Account is now in litigation, Plaintiff remains willing to explore a mutually-beneficial solution through voluntary payment arrangements, if possible.
6. The Defendant had an agreement for a/an CREDIT CARD, originally with CITIBANK, N.A..
7. The Defendant has defaulted in payments on the above mentioned account, said account being shown in the attached Affidavit and Statement of Account.
8. Midland Funding LLC purchased the account shown in the attached Affidavit and Statement of Account and was assigned all rights to the account in the normal course of business.

47TH DISTRICT COURT
2018 NOV 15

STATE OF MICHIGAN

IN THE 31ST DISTRICT OF THE COUNTY OF WAYNE

MIDLAND FUNDING, LLC,

Plaintiff/Counter-Defendant,

Case No. Case No. 18-/
HON.

-vs-

ANSWER AND AFFRIMATIVE DEFENSES

Defendant/Counter-Plaintiff.

MIDLAND FUNDING, LLC
ELIZABETH SMITH (P63010)
OMAR NAJOR (P58066)
Attorneys for Plaintiff
P.O. BOX 2044
WARREN, MI 48090-2044
(877) 737-1749

LAW OFFICES OF BRIAN PARKER, P.C.
BRIAN P. PARKER (P48617)
Attorney for Defendant
4301 Orchard Lake Road, # 180-208
West Bloomfield, MI 48323
(248) 342-9583
Brianparker@collectionstopper.com

ANSWER AND AFFIRMATIVE DEFENSES

SS (“Defendant”), by and through her attorneys, The Law Offices of Brian P. Parker, P.C. and Answers Plaintiff Midland Funding (“Midland”) Complaint as follows:

THE LAWSUIT OF PLAINTIFF VIOLATES THE *BASSETT* RULE AT EXHIBIT 2

1. Admit but Defendant does not owe the debt to Plaintiff. **Please see Exhibit 1.**
2. Admit but Defendant does not owe the debt to Plaintiff. **Please see Exhibit 1.**
3. Defendant Objects to and Denies this paragraph. Plaintiff is violating MCR 2.111(A)(1) with a huge paragraph of irrelevant material.
4. Denied as Plaintiff is offering no proof of the debt or that Plaintiff completed performance and defendant agreed to pay the account. Defendant Objects to and Denies this paragraph.

Plaintiff is violating MCR 2.111(A)(1) with a huge paragraph of irrelevant material.” **Please see Defendant Affidavit at Exhibit 1.**

5. Denied. There is no proof that Midland owns this debt or Defendant owes Plaintiff on the debt. Defendant Objects to and Denies this paragraph. Plaintiff is violating MCR 2.111(A)(1) with a huge paragraph of irrelevant material. **Please see Defendant Affidavit at Exhibit.**
6. Denied. There is no proof that Midland owns this debt or Defendant owes Plaintiff on the debt. There is no agreement under MCR 2.113(F)(1) and no allegation the agreement is in the hands of the Defendant. **Please see Defendant Affidavit at Exhibit 1.**
7. Denied as to this Plaintiff. **Please see Defendant Affidavit at Exhibit 1.**
8. Denied as to this Plaintiff. **Please see Defendant Affidavit at Exhibit 1.**
9. Denied as to this Plaintiff. **Please see Defendant Affidavit at Exhibit 1.**
10. Denied as to this Plaintiff. **Please see Defendant Affidavit at Exhibit 1.**
11. Denied as to this Plaintiff. **Please see Defendant Affidavit at Exhibit 1.**

WHEREFORE, Defendant requests that this Court deny the relief requested in Plaintiff’s Complaint and award Defendant such other relief as the Court deems just and equitable. **Please see Ms. 3 Affidavit under MCL 600.2145 at Exhibit 1 and the Bassett Decisions at Exhibit 2.**

AFFIRMATIVE DEFENSES

Defendant pleads the following affirmative defenses:

1. Plaintiff fails to state a claim upon which relief can be granted or proven.
2. Plaintiff fails to state a claim upon which relief can be granted; namely, Plaintiff fails to establish ownership or assignments of the debt to Plaintiff Midland.

3. NONE OF THE PAPERWORK SHOWS THE ACTUAL DEBT OR ACCOUNT NUMBER PASSING OR TRANSFERRING ANYWHERE. Plaintiff lacks standing to sue because it does not own the alleged debt. Please see Affidavit at Exhibit 1-2.
4. Plaintiff is proving ownership and suing Defendant on a false Affidavit that is Hearsay and not true. Please see Exhibit 1-2.
5. Plaintiff lacks capacity to sue with no proof the debt passed to Midland.
6. Plaintiff is suing Defendant on a debt in violation of the FDCPA/RCPA.
7. There is no proof supporting the lawsuit in violation of MCL 600.2145 and MCR 2.113(F)(1) and the complaint is signed improperly by an attorney under MCR 2.114.
8. Plaintiff's fails to produce a signed agreement by Defendant proving the obligation is between GE and Defendant.
9. In violation of MCL 600.2145, Plaintiff is relying upon an affidavit that is false as the Affidavit of _____ was signed on December 21, 2017 with the sworn statement that "Plaintiff is the current owner of, and/or successor to, *the obligation sued upon*" when the obligation was not sued upon until February 27, 2018. Further, under MCL 600.2145, the Affidavit must be signed within ten days of the signing of the lawsuit.
10. The lawsuit violates the *Bassett Rule* at Exhibit 2 with no proper assignments.
11. Plaintiff is barred by the Fair Debt Collection Practices Act ("FDCPA") from collecting late fees, attorney fees, costs, interest and other amounts not agreed to.
12. Plaintiff fails to show a valid assignment of the debt.
13. Defendant should not have been sued by this Plaintiff in violation of the FDCPA/RCPA.
14. Plaintiff's proofs are inadmissible and are hearsay under MRE 911/112.
15. Plaintiff is bringing an action on a time barred debt.

16. Plaintiff is relying upon records that are hearsay.

17. Defendant reserves the right to Amend these Affirmative Defenses throughout discovery.

Please see Exhibit 1 Affidavit and Exhibits 2.

WHEREFORE, Defendant seeks a No Cause against Plaintiff and other relief this Court deems just and equitable.

LAW OFFICES OF BRIAN P. PARKER, P.C.


BRIAN P. PARKER (P48617)
Attorney for Defendant

Dated: May 29, 2018

PROOF OF SERVICE

On this 29th day of May, Defendant served this Answer, Affirmative Defenses, Counter-Claim and Appearance on the Court and Plaintiff by Overnight Mail.


BRIAN P. PARKER (P48617)
Attorney for Defendant

Dated: May 29, 2018

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

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Court telephone no.
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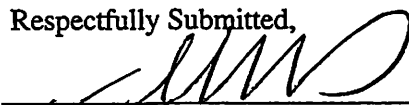
9. Midland Funding LLC has notified the Defendant of the above mentioned account and the Defendant has failed to pay for same.

10. There is presently due and owing over and above all legal counter-claims the sum of \$. See attached Affidavit and Statement of Account.

11. Midland Funding LLC requests Judgment for \$ plus court costs and statutory attorney fees pursuant to MCL 600.2441.

I declare under penalty of contempt of court that to the best of my knowledge, information and belief that this is good ground to support the contents of this pleading.

Respectfully Submitted,



Elizabeth Smith Andrew Perry
 Stephanie Pettway
Counsel for Plaintiff
P. O. BOX 2044
WARREN, MI 48090-2044
(877) 737-1749

Dated:

10/31/17

2017 NOV - 7

PLEASE UNDERSTAND THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Not necessary.
Open up to
16929 letter.