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5  
6 Attorneys for Plaintiff  
PORTFOLIO RECOVERY ASSOCIATES

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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES, DIVISION**

10  
11 **PORTFOLIO RECOVERY ASSOCIATES,**

12 Plaintiff,

Case No. 08C

**SEPARATE STATEMENT OF  
UNDISPUTED FACTS IN SUPPORT  
MOTION FOR SUMMARY JUDGMENT IN  
FAVOR OF PLAINTIFF PORTFOLIO  
RECOVERY ASSOCIATES**

13  
14  
15 v.

Date: 009  
Time: 8:30 AM  
Dept.:

16 **PAUL**  
17 and DOES 1 through 15 inclusive.

18  
19 Defendant.

20  
21 Pursuant to California Code of Civil Procedure section 437c(b)(3), Plaintiff Portfolio Recover  
22 Associates ("Plaintiff Portfolio"), submits this Separate Statement of Undisputed Facts in Support  
23 Motion for Summary Judgment, or Alternatively, for Summary Adjudication of Issues in Favor o  
24 Plaintiff Portfolio.

25  
26  
27

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SEPARATE STATEMENT

Undisputed Material Fact

Supporting Evidence

1  
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3  
4 1. Defendant received a revolving charge  
5 account with Assignor Portfolio for account  
6 number 4888

Exhibit "1" - Declaration of Portfolio  
Exhibit "2" - Affidavit of Sale  
Exhibit "3" - Application/Billing Statements

7 2. Defendant used and benefitted from a  
8 revolving charge account with Portfolio.

Exhibit "1" - Declaration of Portfolio  
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Exhibit "3" - Application/Billing Statements

9 3. Defendant requested the revolving charge  
10 account and made payments on the account,  
11 including a payment of \$55.00 on 7/30/05. By  
12 Defendant's use of this revolving charge account  
13 subjects the account holder to the Card  
14 Agreement.

Exhibit "1" - Declaration of Portfolio  
Exhibit "2" - Affidavit of Sale  
Exhibit "3" - Application/Billing Statements

15 4. Plaintiff Portfolio provided services to  
16 Defendant pursuant to the Card Agreement  
17 between Assignor Bank of America and  
18 Defendant

Exhibit "1" - Declaration of Portfolio  
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19 5. Defendant failed to dispute any charges or  
20 credits made on Defendant's revolving charge  
21 account with Assignor Bank of America.

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22 6. Defendant failed to pay the principal  
23 amount of \$5,966.47 pursuant to the Affidavit of  
24 Sale.

Exhibit "1" - Declaration of Portfolio  
Exhibit "2" - Affidavit of Sale

25 7. Assignor Bank of America Assigned all rights  
26 to the Account to Plaintiff Portfolio.

Exhibit "2" - Affidavit of Sale

27 8. Defendant is in default in the amount of  
28 \$5,966.47.

Exhibit "1" - Declaration of Portfolio  
Exhibit "2" - Affidavit of Sale

9. Defendant has not reported the credit  
card lost or stolen.

Exhibit "1" - Declaration of Portfolio  
Exhibit "2" - Affidavit of Sale  
Exhibit "3" - Application/Billing Statements

Dated:

Respectfully submitted,  
**PATENAUDE & FELIX, A.P.C.**

By: \_\_\_\_\_

Attorney-in-Chief  
Portfolio Recovery Associates

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