

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered August 7, 2019.

(Deleted material is struck through, and new material is underscored.)

On July 19, 2019, Rule 280.2 and the corresponding part of the Article II Forms Appendix were amended, with an immediate effective date. Rule 280.2 and the corresponding part of the Article II Forms Appendix remain so amended but shall instead be effective on Nov. 1, 2019, modified *nunc pro tunc* to July 19, 2019.

Modified Rule 280.2

Rule 280.2. Complaint in Credit Card or Debt Buyer Collection Actions.

In addition to the requirements set forth in Rules 131 and 282(a), the complaint in a credit card or debt buyer collection actions shall:

- (a) Print the name of the person who signs the complaint under the signature line;
- (b) Attach a completed Credit Card or Debt Buyer Collection Affidavit, prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix;
- (c) In addition to the affidavit, the plaintiff shall attach one of the following to the complaint:
 - (1) The written contract giving rise to the debt that is the subject of the complaint (the "Consumer Debt"); or
 - (2) If the case is based on an unwritten contract, a copy of a document provided to the consumer while the account was active, demonstrating that the consumer debt was incurred by the consumer. For a revolving credit account, a statement reflecting the charge-off balance shall be deemed sufficient to satisfy this requirement. The statement reflecting the charge-off balance will not reflect any post-charge-off payments or credits by or to the charge-off creditor, the debt buyer, or their attorneys.
- (d) Include a statement that the suit is filed within a relevant statute of limitations; and
- (e) Have the Credit Card or Debt Buyer Collection Affidavit signed by the plaintiff or the plaintiff's designated agent. For purposes of this Rule, the attorney for the plaintiff may not sign the affidavit on behalf of the plaintiff or plaintiff's designated agent.

Adopted June 8, 2018, eff. Oct. 1, 2018; amended July 19, 2019, eff. Nov. 1, 2019 immediately.

FILED

AUG 07 2019

**SUPREME COURT
CLERK**

Modified Article II Forms Appendix

Rule 280.2. Complaint in Credit Card or Debt Buyer Collection Actions.

Plaintiff)	
)	
v.)	CASE NUMBER: _____
)	
Defendant)	

CREDIT CARD OR DEBT BUYER COLLECTION ACTION AFFIDAVIT
(SUPREME COURT RULE 280.2)

INSTRUCTIONS: Provide the following information. Supreme Court Rule 280.1 provides the definitions of the terms in this Affidavit.

Comes now affiant, and states:

I am a designated Agent of _____ (Plaintiff).

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the record keeping practices of Plaintiff. The following representations are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge:

1. IDENTIFICATION ABOUT THE CONSUMER DEBT OR ACCOUNT

Complete the tables.

a. As of charge-off date:

Full name of the creditor	Full name of the defendant as it appears on the account	Last four digits of the account number	Date the account was opened or the debt originated	Nature of the debt, (credit card debt, payday loan, retail installment loan, etc.)

b. The most recent activity on the account prior to or after charge-off, includes:

Charge-off Balance	Charge-off Date	Date of Last Payment*	Amount of Last Payment	Total Amount of Credits and/or Payments Since Charge-off Date**

* Last payment on the account, pre- or post-charge-off.

** Credits or payments made within 30 days of the signing of this affidavit may not be reflected.

c. For a revolving credit account, Plaintiff further certifies that it has in its possession and can produce on request the most recent monthly statement recording a purchase, transaction, last payment, or balance transfer.

2. PROOF OF OWNERSHIP OR RIGHT TO SUE FOR DEBT BUYERS

Complete the table and list the prior owners or creditors since the charge-off date. Start with the first assignment through the current creditor or owner of the consumer debt. List in chronological order, beginning with the first assignment:

From (Name)	To (Name)	Date of Assignment (On or About)

Does not apply – Plaintiff is the charge-off creditor.

3. ADDITIONAL ACCOUNT INFORMATION AFTER CHARGE-OFF

Plaintiff is seeking additional amounts after the charge-off date:

No*

Yes

Total amount of interest accrued: \$ _____;

Total amount of non-interest charges or fee accrued \$ _____;

Plaintiff is seeking attorney's fees in the amount of \$ _____.

Balance due and owing as of date of affidavit: \$ _____

* Costs prayed for in the Complaint will not be reflected.

Affiants may certify their statements pursuant to section 1-109 of the Code of Civil Procedure or have their signature notarized in the manner required by law.

Under penalties as provided by law under section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [s]he verily believes the same to be true.

Name of Affiant

Signature of Affiant

Date