

Elements and Intent of Our Affidavit

1. Our affidavit is the second part of our process and is sent to the recipient(s) of our presumptive letter(s), when h/they fail to respond and/or fail to rebut, with particularity and specificity, the claims and charges we made in the presumptive letter(s).

2. Our affidavit is completely truthful, as we attest, based only in truth, fact, valid law and evidence. It consists of three (3) basic parts, as follows:

(a) We notify the letter recipient that on (date) we sent him/her/bank/corporation a letter in which we made specific claims and charges which he/she were required to rebut, with particularity and specificity, if he/she disagreed. We then inform him/her that s/he failed to rebut those charges in writing, with particularity, to us, within the allotted time period. Therefore, pursuant to the lawful notification contained in that letter, the letter recipient admitted to and agreed with all charges and claims we made therein, fully binding upon him/her in any court, without his/her protest, objection or that of those who represent him/her.

(b) Some of the charges and claims to which the letter recipient admits include, but are not limited to, the following: (here we list about one third or so of the most significant charges we made in the presumptive letter.)

(c) We are always attempting to resolve the matter before it goes further, which is the entire objective of this process. To this end, we state the following position to the letter recipient: “If you disagree with the charges contained in this affidavit, then, you may rebut them, within 30 days of your receipt of this affidavit, and support your rebuttal with truth, fact, valid law and evidence, by means of your own sworn and notarized affidavit, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state (name the state).”

3. With the completion and sending of this affidavit, and the prior presumptive letter, both of which we send by CERTIFIED MAIL, only, we have given our opponent two specific opportunities to rebut the charges we have made against him. If he fails to rebut our affidavit within the allotted 30 days, then, we file our affidavit on the public record with the local county clerk-recorder, in the miscellaneous file. This recording on the public record invokes certain federal and state rules of evidence, which we will discuss during the seminar.