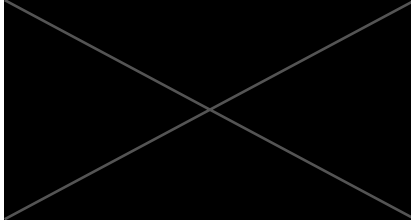


FDCPA VIOLATION DEMAND LETTER



Tuesday, October 7, 2025

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Re: FDCPA Violations - Absolute Resolutions Investments, LLC v.



Case No.:



Original Account: U.S. Bank National Association

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dear STENGER & STENGER, P.C.:

This letter serves as formal notice of multiple violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), committed by you and your client, Absolute Resolutions Investments, LLC ("ARI"), in connection with the above-referenced matter.

I. DEBT COLLECTOR STATUS

Your complaint explicitly states: "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." This admission establishes that both you and ARI are "debt collectors" as defined under 15 U.S.C. § 1692a(6), subjecting you to all FDCPA requirements.

II. FDCPA VIOLATIONS COMMITTED

A. PUBLIC DISCLOSURE OF DEBT - 15 U.S.C. § 1692c(b)

Your filing of the complaint containing debt collector language has created a **public court record** that I am being pursued by a debt collector for an alleged debt. Section 1692c(b) prohibits debt collectors from communicating with third parties about a consumer's debt, except under very limited circumstances.

VIOLATION: By filing a public complaint that explicitly identifies this as debt collection communication, you have disclosed to unlimited third parties (court personnel, attorneys, researchers, the general public accessing court records) that I am the subject of debt collection efforts.

AGGRAVATED INITIAL COMMUNICATION VIOLATION: This summons and complaint constitutes the "initial communication" from ARI as defined under 15 U.S.C. § 1692g, making this public disclosure violation particularly egregious. Rather than making initial contact through private means that protect consumer privacy, ARI deliberately chose to make their first communication through a public court filing that exposes alleged debt information to unlimited third parties. This represents a fundamental violation of the FDCPA's consumer protection framework from the very first contact.

SUPPORTING AUTHORITY: As recognized in *Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich, L.P.A.*, 176 L. Ed. 2d 519 (U.S.), filing collection actions that publicly disclose debt information can constitute FDCPA violations when the disclosure serves no legitimate purpose and violates the consumer's privacy rights under federal consumer protection statutes.

I did not consent to having the fact that I am allegedly being pursued by a debt collector exposed to the public through court filings.

B. FALSE OR MISLEADING STATEMENTS - 15 U.S.C. § 1692e

Your complaint contains materially false and misleading statements designed to confuse and mislead both myself and the Court:

VIOLATION 1 - False Statement of Authority: Your complaint alleges that I established an account with "U.S. Bank National Association" and that ARI is the "assignee" of this account. However, you have provided **no documentation** establishing:

1. That U.S. Bank National Association ever owned this alleged debt
2. That any valid assignment from U.S. Bank to ARI ever occurred
3. That ARI has legal authority to collect this alleged debt
4. That ARI has standing to sue in Michigan courts

VIOLATION 2 - Account Stated Misrepresentation: You allege "account stated" but have provided **no account statements, billing records, or documentation** showing that any statements were ever sent to me or that I had any opportunity to object to any charges.

SUPPORTING AUTHORITY: In *William C. Lewis v. ACB Business Services, Inc.*, 135 F.3d 389 (6th Cir.), the court recognized that debt collection complaints containing unsubstantiated allegations about debt ownership and consumer obligations violate § 1692e when such statements are false or misleading.

C. UNFAIR PRACTICES - 15 U.S.C. § 1692f

VIOLATION: Filing a lawsuit without proper documentation or legal authority to collect constitutes an unfair practice under § 1692f. You are using the court system to intimidate and coerce payment on a debt that ARI may not even legally own.

D. STATUTE OF LIMITATIONS VIOLATIONS - 15 U.S.C. § 1692e & § 1692f

VIOLATION: Under Michigan law, the statute of limitations for contract actions is six years from the date the cause of action accrued. Mich. Comp. Laws § 600.5807(8). Your complaint alleges "account stated" but provides no documentation establishing:

1. **Date of last use** of the alleged account
2. **Date of last payment** on the alleged account
3. **Date when statements ceased** being sent
4. **When the cause of action accrued** for limitation purposes

FALSE STATEMENT VIOLATION: By filing suit without establishing that the statute of limitations has not expired, you have made false or misleading statements about the legal status of this alleged debt in violation of § 1692e.

UNFAIR PRACTICE VIOLATION: Attempting to collect on a potentially time-barred debt without proper verification violates § 1692f as an unfair practice.

SUPPORTING AUTHORITY: As recognized in *Gary Smith v. Transworld Systems, Inc.*, 953 F.2d 1025 (6th Cir.), debt collectors violate the FDCPA when they file collection lawsuits without proper documentation showing the debt is within the applicable statute of limitations.

E. STANDING DEFICIENCY - 15 U.S.C. § 1692e & § 1692f

VIOLATION: ARI lacks standing to bring this lawsuit as it has failed to prove ownership of the alleged debt or any valid assignment from U.S. Bank National Association. Filing a lawsuit without legal authority to sue constitutes both a false statement under § 1692e and an unfair practice under § 1692f.

SUPPORTING AUTHORITY: As demonstrated in *Johnson v. Riddle*, 443 F.3d 723 (10th Cir.), debt collectors who file lawsuits without proper documentation establishing their right to collect violate the FDCPA when they cannot prove ownership or assignment of the alleged debt. The court noted that filing collection lawsuits without proper legal authority violates federal consumer protection requirements.

SPECIFIC DEFICIENCIES: ARI has provided no bill of sale, assignment agreement, or transfer documentation showing it acquired this alleged debt from U.S. Bank National Association, yet filed suit claiming ownership rights.

F. ACCOUNT STATED MISREPRESENTATION - 15 U.S.C. § 1692e

VIOLATION: Your complaint alleges "account stated" without providing the essential documentation required for this legal theory. Account stated requires proof that: (1) regular statements were sent to the consumer; (2) the consumer had reasonable opportunity to object; (3) the consumer failed to object within a reasonable time; and (4) the account balance became fixed and agreed upon.

FALSE REPRESENTATION: By alleging "account stated" without any supporting account statements, billing records, or proof of delivery to me, you have made false representations about both the factual basis and legal sufficiency of your claims in violation of § 1692e.

SUPPORTING AUTHORITY: From *Ruth v. Triumph Partnerships*, 577 F.3d 790 (7th Cir.), debt collectors violate the FDCPA when they file collection lawsuits based on legal theories they cannot substantiate with proper documentation, particularly when claiming account stated without providing the underlying account statements.

III. CHAIN OF TITLE DEFICIENCIES

Your complaint alleges ARI is the "assignee" of a U.S. Bank National Association account, but you have provided **zero documentation** establishing:

1. **Original creditor verification** - No proof U.S. Bank ever owned this debt
2. **Assignment documentation** - No bill of sale, assignment agreement, or transfer documents
3. **Chain of custody** - No documentation showing how this debt traveled from U.S. Bank to ARI
4. **Authorization to collect** - No proof ARI has legal right to collect in Michigan

LEGAL DEFICIENCY: Without proper chain of title documentation, ARI lacks standing to sue and you lack authority to collect, making your collection efforts false and misleading under § 1692e.

A. SECURITIZATION DEFICIENCIES

ADDITIONAL STANDING ISSUE: Major financial institutions like U.S. Bank National Association routinely engage in asset securitization, transferring credit card receivables to special-purpose entities or securitization trusts. If this alleged debt was securitized, ARI must prove:

1. **Proof the debt was NOT securitized** by U.S. Bank National Association

2. **If securitized, complete Pooling and Servicing Agreement** governing the securitization trust
3. **Valid assignment** from the original creditor to the securitization trust
4. **Proper re-assignment** from the trust back to a collection entity with authority to sue
5. **Compliance** with all securitization trust requirements and limitations

SUPPORTING AUTHORITY: As recognized in Schlegel Ex Rel. Schlegel v. Wells Fargo Bank, NA, 720 F.3d 1204 (9th Cir.), financial institutions routinely engage in securitization of debt portfolios, and debt collectors violate the FDCPA when they claim ownership and file collection lawsuits on debts they cannot prove they legally own due to complex securitization transfers.

VIOLATION: Collecting on securitized debt without proper documentation of re-acquisition violates § 1692e (false statements about ownership) and § 1692f (unfair practices) as debt collectors cannot prove legal authority to collect.

IV. DEMAND FOR IMMEDIATE ACTION

Pursuant to the FDCPA, I hereby demand that within **THIRTY (30) DAYS** of receipt of this letter, you:

A. CEASE AND DESIST

1. **IMMEDIATELY CEASE** all collection activities until these violations are cured
2. **WITHDRAW** the pending lawsuit or file a voluntary dismissal
3. **CEASE all credit reporting activities** related to this alleged debt and provide written explanation of your permissible purpose for accessing my credit report under the Fair Credit Reporting Act

B. PROVIDE DOCUMENTATION

1. **Complete chain of title** from U.S. Bank National Association to ARI
2. **Original signed credit agreement** with U.S. Bank National Association
3. **Bill of sale or assignment agreement** transferring this debt to ARI
4. **Authorization** for ARI to collect debts in Michigan
5. **Account statements** supporting the "account stated" theory
6. **Proof of compliance** with Michigan debt collection licensing requirements
7. **Statute of limitations compliance documentation:**
 - Date of last use of the alleged account
 - Date of last payment received
 - Date when account became delinquent
 - Proof that Michigan's 6-year statute of limitations has not expired
 - Complete payment history showing final activity date
8. **Securitization documentation:**

- U.S. Bank National Association SEC filings (Form 10-K) regarding securitization practices
- Proof this specific debt was NOT transferred to any securitization trust
- If securitized: complete Pooling and Servicing Agreement
- Evidence of proper assignment from securitization trust back to current creditor
- Proof of compliance with all securitization trust requirements and deadlines

C. CURE VIOLATIONS

1. **Written acknowledgment** of the FDCPA violations identified herein
2. **Agreement** to expunge any negative credit reporting
3. **Payment of statutory damages** reflecting multiple distinct violations:
 - **Public disclosure violation:** \$1,000
 - **False statements violation:** \$1,000
 - **Unfair practices violation:** \$1,000
 - **Statute of limitations violation:** \$1,000
 - **Standing deficiency violation:** \$1,000
 - **Account stated misrepresentation violation:** \$1,000
 - **TOTAL STATUTORY DAMAGES: \$6,000** under 15 U.S.C. § 1692k(a)(2)(A)
4. **Payment of actual damages** including emotional distress, time, and costs
5. **Agreement** to pay reasonable attorney fees under 15 U.S.C. § 1692k(a)(3)
6. **Agreement to notify future collectors:** If this alleged debt is transferred to another collector, you will provide them written notice of my dispute and all FDCPA violations identified herein

V. LEGAL CONSEQUENCES OF NON-COMPLIANCE

STATUTORY DAMAGES: Under 15 U.S.C. § 1692k, I am entitled to:

- Actual damages suffered as a result of your violations
- Additional damages up to \$1,000 per violation
- Reasonable attorney fees and costs

CONTINUED VIOLATIONS: Any continued collection efforts without curing these violations will result in additional FDCPA violations and increased damages.

LITIGATION CONSEQUENCES: Failure to address these violations will result in comprehensive FDCPA counterclaims being filed in the pending litigation, seeking maximum statutory damages, actual damages, and attorney fees.

VI. PRESERVATION OF RIGHTS

This letter does not constitute an acknowledgment of any debt or waiver of any rights or defenses. I specifically reserve all rights under federal and state law, including but not limited to:

All defenses to the pending lawsuit

- All claims under the FDCPA and state consumer protection laws
- All rights to damages, attorney fees, and costs
- All rights to challenge standing, jurisdiction, and venue

VII. REQUIRED RESPONSE

Your response must be **IN WRITING** and must address each violation identified herein with specific corrective action taken. Failure to respond within thirty (30) days will be treated as an admission of these violations and will result in the filing of comprehensive FDCPA claims seeking maximum damages.

CLERICAL CORRECTION: Please note that my correct middle initial appears once as "D," not duplicated as "D D" as shown in your complaint.

IMPORTANT NOTICE: This communication is from a consumer to a debt collector and is made in connection with the collection of a debt. Any information obtained will be used for that purpose.

I expect your immediate attention to this serious matter.

Sincerely,

A black rectangular box with a white 'X' inside, used to redact a signature.

Enclosures: Copy of Summons and Complaint

cc: File