

M.R. 3140

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

Order entered November 4, 2020.

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

Effective immediately, Illinois Supreme Court Rule 280.1 and the Rule 280.2 form of the Article II Forms Appendix are amended, as follows.

**Amended Rule 280.1**

**Rule 280.1. Definitions for Credit Card or Debt Buyer Collection Actions.**

For purposes of a civil action subject to the requirements of this Part:

(a) “Affidavit” means an affidavit or a verification under Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109).

(b) “Assignment” means a transfer of debt from the owner of the debt to the purchaser of the debt.

(c) “Charge-off balance” means an account principal and other legally collectible costs, expenses, and interest accrued prior to the charge-off date, less any payments or settlement.

(d) “Charge-off creditor” means the person or entity who extended credit to the natural persons involved in a consumer credit transaction on the charge-off date.

(e) “Charge-off date” means the date on which a receivable is treated as a loss or expense.

(f) “Consumer credit transaction” means a transaction between a natural person and another person in which property, service, or money is acquired on credit by that natural person from such other person primarily for personal, family, or household purposes.

(g) “Consumer debt” or “consumer credit” means money, property, or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer credit transaction.

(h) “Credit card” means any instrument or device, whether known as a credit card, credit plate, charge plate or any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit or in consideration or an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(i) “Debt buyer” means a person or entity that is engaged in the business of purchasing delinquent or charged-off consumer loans or consumer credit accounts or other delinquent

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consumer debt for collection purposes, whether it collects the debt itself or hires a third-party for collection or an attorney at law for litigation in order to collect such debt.

(j) “Debt buyer collection action” means a civil action in which the complaint seeks to recover on a consumer debt purchased by a debt buyer.

(k) “Original consumer debt” means the amount of the charge-off balance.

(l) “Payment” means any payment received by a charge-off creditor or a debt buyer, pre- or post-charge-off, that was not returned by the financial institution against which the payment was drawn.

(m) “Person” means any natural person or business entity of any kind, including but not limited to a corporation, partnership, limited partnership, limited liability partnership, or limited liability company.

(n)~~(m)~~ “Principal” means the unpaid balance of the amount borrowed in any consumer credit transaction, not including any interest, fees, or other charges.

Adopted June 8, 2018, eff. Oct. 1, 2018; amended Nov. 4, 2020, eff. immediately.

### **Amended Rule 280.2 Form**

#### **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 and documents. 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 \$ \_\_\_\_\_.

☐ Returned payment(s) 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