

## STATE OF TEXAS

Midland Credit Management, Inc.,

Plaintiff

-vs-

**AFFIDAVIT OF JACOB BIARD**

MARISEL CRUZ,

Defendant(s).

---

Jacob Biard, whose business address is 600 W. Saint Germain St Suite 200, St. Cloud, MN 56301-3616, certifies and says:

1. I am employed as a Legal Specialist and have access to pertinent account records for Midland Credit Management, Inc. ("Plaintiff" or "MCM"). I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of those account records maintained by Plaintiff. Plaintiff is the current owner of, and was assigned all the rights, title and interest to Defendant's CAPITAL ONE, N.A./PLATINUM MASTERCARD account XXXXXXXXXXXXXXX2636 (MCM Number 330758158) (hereinafter "the Account").
2. I have access to and have reviewed the electronic records pertaining to the Account maintained by MCM and am authorized to make this affidavit on MCM's behalf. The electronic records reviewed consist of (i) data and records acquired from the seller or assignor when MCM purchased or was assigned the Account, which were incorporated into MCM's business records upon purchase or assignment, and (ii) data and records generated by MCM in connection with servicing the Account since the date the Account was purchased by or was assigned to MCM. In addition, I reviewed the documents that are attached to this affidavit.
3. I am familiar with and trained on the manner and method by which MCM creates and maintains its business records pertaining to the Account, which consist of (i) data and documents acquired from the seller or assignor, and (ii) subsequent collection and/or servicing activities by MCM. The records are acquired or created, and are kept in the regular course of MCM's business. It was in the regular course of MCM's business for a person with knowledge

---

**AFFIDAVIT OF JACOB BIARD - 1**



330758158



AFFRECATTACH



25-420492

of the subsequent collection and/or servicing activities recorded, and a business duty to report, to make the record or data compilation, or to transmit information thereof to be included in such record, or for such information to be posted in MCM's records by a computer or similar digital means. In the regular course of MCM's business, the record or compilation of the subsequent collection activities is made at or near the time of the act or event by MCM as a regular practice.

4. The accuracy of such records is relied upon by Plaintiff in collecting this Account. These records are trustworthy and relied upon because the original creditor was required to keep careful records of the Account at issue in this case as required by law and/or suffer business loss.

5. MCM's records show that the Account was charged off on 2023-10-16 with a balance of \$1,782.71. On or about 2024-12-26, Plaintiff purchased and was assigned the Account with a balance owed by Defendant of \$1,782.71. As of 2025-12-10, MCM's records show that the balance of \$1,782.71 remains due and owing and no interest has been assessed to the Account. Therefore, Plaintiff seeks the amount of \$1,782.71 from Defendant. All credits and offsets for payments have been applied to the balance.

6. The complete chain of title including CAPITAL ONE, N.A., the original creditor, and all post-charge-off purchasers/assignees of the debt are as follows:

1. CAPITAL ONE, N.A. 2024-12-26
2. Midland Credit Management, Inc.

7. Based upon my review, attached hereto are records regarding the Account being a reproduction from Plaintiff's records. The documents attached hereto, are true and correct copies of the originals, except to the extent that confidential and privileged information is omitted or redacted and personal identifying information is omitted or redacted as required by local rules, and applicable state and federal law.

---

AFFIDAVIT OF JACOB BIARD - 2



330758158



AFFRECATTACH



25-420492

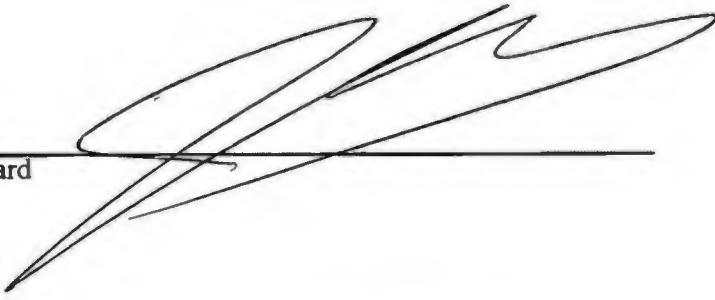
I certify under penalty of perjury that the foregoing statements are true and correct.

JAN 07 2026

Date

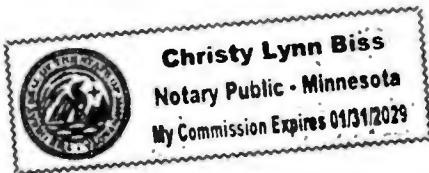
Jacob Biard

STATE OF MINNESOTA  
COUNTY OF STEARNS



JAN 07 2026

Signed and sworn to (or affirmed) before me on  
by Jacob Biard.



Christy Lynn Biss  
Notary Public

CA137

---

AFFIDAVIT OF JACOB BIARD - 3



330758158



AFFRECATTACH



25-420492