

Assigned for all purposes to: Chatsworth Courthouse, Judicial Officer: Bernie LaForteza

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Hunt & Henriques, LLP Donald Sherrill #266038 Keri L. Salet #318913 7017 Realm Drive San José CA 95119 TELEPHONE NO: (800) 680-2426 FAX NO. (Optional): (408) 362-2299 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 9425 Penfield Avenue MAILING ADDRESS: CITY AND ZIP CODE: Chatsworth CA 91311-6516 BRANCH NAME: North Valley District		
PLAINTIFF: Bank of America, N.A. DEFENDANT: OSCAR ECHEVERRIA <input type="checkbox"/> DOES 1 TO _____		
CONTRACT <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): <input type="checkbox"/> CROSS-COMPLAINT <input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number):		
Jurisdiction (check all that apply): <input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE \$11,898.96 Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input checked="" type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER:

1. **Plaintiff*** (name or names): Bank of America, N.A.

alleges causes of action against **defendant*** (name or names): OSCAR ECHEVERRIA

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. a. Each plaintiff named above is a competent adult

☒ **except** plaintiff (name): Bank of America, N.A.

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☒ other (specify): A National Banking Association organized and existing under the laws of the United States of America and having its principal place of business in Charlotte, North Carolina

b. ☐ Plaintiff (name):

a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

b. ☐ has complied with all licensing requirements as a licensed (specify):

c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person

☐ **except** defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

except defendant (name):

(1) ☐ a business organization, form unknown

(2) ☐ a corporation

(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

*If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

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SHORT TITLE: Bank of America, N.A. v. OSCAR ECHEVERRIA

CASE NUMBER:

4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

- (1) ☐ Doe defendants (*specify Doe numbers*): _____ were the agent's or employees of the named defendants and acted within the scope of that agency or employment.
- (2) ☐ Doe defendants (*specify Doe numbers*): _____ are persons whose capacities are unknown to plaintiff.
- c. ☐ Information about additional defendants who are natural persons is contained in Attachment 4c.
- d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*): _____

5. ☐ Plaintiff is required to comply with a claims statute, **and**

- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (*specify*): _____

6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

7. This court is the proper court because

- a. ☐ a defendant entered into the contract here.
- b. ☐ a defendant lived here when the contract was entered into.
- c. ☒ a defendant lives here now.
- d. ☐ the contract was to be performed here.
- e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.
- f. ☐ real property that is the subject of this action is located here.
- g. ☐ other (*specify*): _____

8. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- ☐ Breach of Contract
- ☒ Common Counts
- ☐ Other (*specify*): _____

9. ☒ Other allegations: Plaintiff is a wholly-owned subsidiary of Bank of America Corporation and the successor-in-interest to FIA Card Services, N.A. ("FIA"), formerly known as MBNA America Bank, N.A. FIA was merged into and under the charter and title of Plaintiff effective October 1, 2014.10. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. ☒ damages of: \$11,898.96
- b. ☒ interest on the damages
- (1) ☐ according to the proof
- (2) ☒ at the rate of (*specify*): 0.0000 percent per year from (*date*): May 31, 2021
- c. ☐ attorney's fees
- (1) ☐ of: \$
- (2) ☐ according to proof.
- d. ☐ other (*specify*): _____

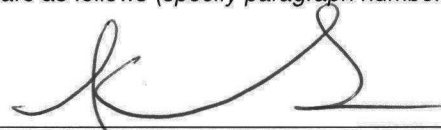
11. ☒ The paragraphs of this pleading alleged on information and belief are as follows (*specify paragraph numbers*):

CC-1.a.(1), CC-1.a.(2), CC-2, CC-4.a., CC-4.b., CC-4.c., CC-4.d.

Date: February 23, 2022

Keri L. Salet #318913

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

SHORT TITLE: Bank of America, N.A. v. OSCAR ECHEVERRIA

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—Common Counts

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

CC-1. Plaintiff (name): Bank of America, N.A.

alleges that defendant (name): OSCAR ECHEVERRIA

became indebted to ☒ plaintiff ☐ other (name):a. ☒ within the last four years(1) ☒ on an open book account for money due.(2) ☒ because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.b. ☐ within the last ☐ two years ☐ four years(1) ☐ for money had and received by defendant for the use and benefit of plaintiff.(2) ☐ for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff.☐ the sum of \$☐ the reasonable value.(3) ☐ for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff☐ the sum of \$☐ the reasonable value.(4) ☐ for money lent by plaintiff to defendant at defendant's request(5) ☐ for money paid, laid out, and expended to or for defendant at defendant's special instance and request.(6) ☐ other (specify):

CC-2. \$11,898.96, which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest ☐ according to proof ☒ at the rate of 0.0000 percent per year from (date): May 31, 2021

CC-3. ☐ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☐ according to proof.CC-4. ☒ Other:

- a. Defendant applied for and received a credit account, which is owned and administered by Plaintiff (the "Account"). Defendant used or authorized the use of the Account for the acquisition of goods, services, balance transfers or cash advances in accordance with the customer agreement ("Agreement") governing use of the Account with Plaintiff.
- b. Defendant breached the Agreement by failing to make periodic payments as required thereby and the Account was subsequently charged-off. The entire balance on the Account is owed to Plaintiff and is presently due and payable in full.
- c. The current Account balance is \$11,898.96, which includes any applicable payments and credits. The Account is not accruing post charge-off interest.
- d. In accordance with federal regulations, monthly periodic statements for the Account have been provided to the Defendant. Based on Plaintiff's records, there are no unresolved billing disputes related to the Account.

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
CHATSWORTH JUDICIAL DISTRICT

STATEMENT OF LOCATION/VENUE

CASE NAME: Bank of America, N.A. v. OSCAR ECHEVERRIA,
CASE NUMBER:

Please check ONE of the following statements to indicate the basis for your filing of the complaint in this Judicial District and fill in the address.

- _____ 1. Cause of Action arose in this Judicial District.
The address of the cause of action is:

Street City Zip Code

- _____ 2. Property located in this judicial district. The
address of this property is:

Street City Zip Code

- _____ 3. Tort occurred in this judicial district. The
address of the tort is:

Street (if known) City Zip Code
(or nearest major intersection)

- _____ 4. Contract entered into or to be performed in this
judicial district. The address where contract
entered into or to be performed is:

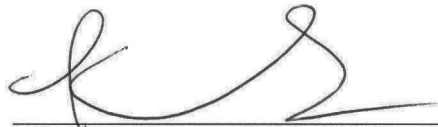
Street (if known) City Zip Code

- X 5. Defendant resides in this judicial district. The address of the defendant is:
37632 29TH ST E , PALMDALE CA 93550-6304

Street City Zip Code

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: February 23, 2022



Signature of Plaintiff's Attorney
Hunt & Henriques, LLP