

**Zwicker & Associates P.C.**  
**80 Minuteman Rd**  
**Andover, MA 01810-1008**

## **NOTICE AND JUDGMENT OF DEFAULT AND ESTOPPEL**

Regarding Account Number XXXX XXXX XXXX 7951, the following statements are true.

On **December 22, 2009**, a Sight Draft was sent to **Zwicker & Associate P.C.** to pay off the above referenced account in the amount stated by **Zwicker & Associate P.C.** **Zwicker & Associate P.C.** had 10 days to present it but has failed to do so.

U.C.C. §3-603 Tender of payment.

(a) If tender of payment of an obligation to pay an instrument is made to a person entitled to enforce the instrument, the effect of tender is governed by principles of law applicable to tender of payment under a simple contract.

Further, the United States Supreme Court has ruled:

"His tender, as we have already seen, was equivalent to payment, so far as concerns the legality of all subsequent steps by the collector to enforce payment by distraint of his property." *Poindexter v. Greenhow*, 114 U.S. 270 quoted in *AYERS, SCOTT, MCCABE*, 8 S. Ct. 164, 123 U.S. 443 (U.S. 12/05/1887)

Further:

"Silence can only be equated with fraud when there is a legal or moral duty to speak, or when an inquiry left unanswered would be intentionally misleading... We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately" *U.S. v. Tweel*, 550 F2d 297, 299-300.

Based on the foregoing evidence **Zwicker & Associate P.C.** is hereby deemed to be in default.

### **DECISION**

Decision in favor of CARDHOLDER is hereby granted and it is hereby ordered that:

Pursuant to U.C.C. § 3-603 (a) the **Zwicker & Associate P.C.**'s failure to present tendered Sight Draft is in breach of contract;

It is ordered that the agreement involving the above mentioned account has been lawfully surrendered and is void

It is hereby ordered that **Zwicker & Associate P.C.** shall report the instant account to all credit bureaus as "paid as agreed" and show the balanced owed as zero (0);

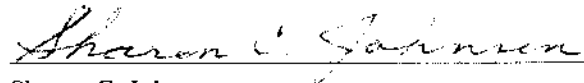
It is hereby ordered that **Zwicker & Associate P.C.** will discontinue all collection efforts and harassment of CARDHOLDER regarding the instant account;

**Zwicker & Associate P.C.** has refused or is unable to provide proof of debt. This refusal or inability is prima facie evidence that original alleged creditor used undersigned's property to fund the instant account. **Zwicker & Associate P.C.** has failed or refuses to return undersigned's property as required. Therefore, it is ordered that **Zwicker & Associate P.C.** pay undersigned in the amount shown on the attached invoice for the unauthorized use of undersigned's property.

Failure to comply with this decision will result in the undersigned taking any and all action necessary under natural law to protect their rights, life, and property.

I, Sharon C. Johnson, knowing the penalty of bearing false witness, hereby affirm, under penalty of perjury, the foregoing to be true and correct to the best of my knowledge and belief and do affix my signature in testimony of the foregoing default judgment.

EXECUTED THIS   12th   day of January, 2010



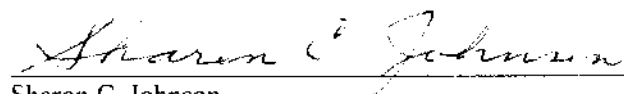
Sharon C. Johnson  
2094 Onion Creek Rd Lot U  
Colville, WA 99114

This document has been recorded at PeoplesRecorder.com for the world to see.

Record #: sharone-johnson1

Date : January 12, 2010

Prepared and Mailed by Certificate of Mailing:



Sharon C. Johnson  
2094 Onion Creek Rd Lot U  
Colville, WA 99114

# INVOICE

**Discover**  
**c/o Zwicker & Associates P.C.**  
**80 Minuteman Rd**  
**Andover, MA 01810-1008**

This billing is for the unauthorized use of undersigned's application from:

**02/10/07 to 02/12/10**

## **Account Summary**

**Date of Invoice: January 12, 2010**

**Account Number: XXXX XXXX XXXX 7951**

**Beginning Balance: \$6,000.00**

**Rate of Interest: 13.99%**

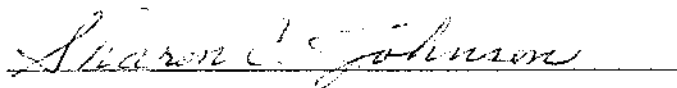
**Interest to Date: \$3,213.07**

**Total Amount Due: \$9,213.07**

**Payment Due Date: February 12, 2010**

## **Mail Payments to:**

I swear that the above numbers are true and accurate to the best of my knowledge.



**Sharon C. Johnson**  
**2094 Onion Creek Rd Lot U**  
**Colville, WA 99114**