

How to do a Conditional Acceptance

This is a basic Conditional Acceptance for Proof of Claim template. Some people have enough experience with creating documents to be able to "flesh it out" for themselves. If you're not one of them, see below for the assistance we can provide.

The most usual reason for a Conditional Acceptance (CA) is someone asking you for payment, performance of some kind, which you do not think they are entitled to. You would word the CA saying that you will accept their claim that you owe them x amount of \$ upon proof of claim that they can produce a valid contract making you liable for such debt (or such performance). Just replace the text in the highlighted sections with the facts that fit your own case and you'll have a better understanding of the concept.

Your documents can be served by a notary and responses can be directed to the notary so that at the completion of the process, if the matter is not settled, the notary can issue a Notice of Non-Response / Certificate of Dishonor (COD).

Here is a sample CA just so you know what it looks like:

Dear [whomever]:

Your correspondence of 10/24/2005 was received by me on October 31, 2005. I am conditionally accepting your contract in that letter of a \$13,107.37 balance remaining on the above-referenced loan upon proof of claim that:

1. [Bank Name] as an 'artificial entity/creature,' created under the laws of the State of [Whichever] and doing business in the State of [Whichever], by and through it's Officers, Board of Directors and employees, are not bound to support Article I §X, as a 'State created entity,' in that "No State shall...make any Thing but gold and silver coin a Legal Tender in payment of Debts."
2. [Bank Name] gave FULL DISCLOSURE to all matters dealing with the alleged loan and said contract.
3. [Bank Name] brought forward and loaned its own 'CREDIT' within the transaction/contract.
4. The undersigned's signature on the original 'contract' did not create the value for the alleged loan and that the undersigned did not put the property up (by pledge) as the collateral for said 'loan' by her signature as well.
5. [Bank Name] can demonstrate that they were put at risk by extending the above-referenced loan to me.
6. [Bank Name] was/is or will be damaged if the above-referenced loan is not repaid;

[Continue on with requested proofs]

[Insert person's name], you have ten (10) days from receipt of this Conditional Acceptance to respond on a point-by-point basis, via sworn affidavit, under your full commercial liability, signing under penalty of perjury that the facts contained therein are true, correct, complete and not misleading. Mere declarations are an insufficient response, as declarations permit lying by omission and hearsay, which no honorable draft may contain. If an extension of time is needed to properly answer, please request it in writing. Failure to respond will be deemed agreement with the facts stated in the attached Affidavit and an inability to prove your claim, thereby indicating that no debt exists.

All rights reserved without prejudice, UCC 1-207 & 1-308

[your signature]

Please direct responses to third party public witness:

Francesca Montelione, Notary
c/o 1709 Wayne Avenue
Scranton, Penn. 18508

A CA is generally accompanied by an Negative Averment Affidavit such as the example below:

AFFIDAVIT

The undersigned Affiant, John Henry Doe, hereinafter "Affiant", does solemnly swear, declare and state as follows:

- 1. Affiant is competent to state the matters set forth herein.
- 2. Affiant has knowledge of the facts stated herein.
- 3. All the facts herein are true, correct and complete, admissible as evidence and if called upon as a witness, Affiant will testify to their veracity.

Plain Statement of Facts

- 4. There is no evidence that JOHN H DOE, hereinafter "Taxpayer", has any outstanding liabilities or obligations with the Internal Revenue Service and Affiant believes that no such evidence exists.
- 5. There is no evidence of a defect in the IRS Form 1040 submitted to the Internal Revenue Service on May 11, 2008 for the Taxpayer and Affiant believes that no such evidence exists.
- 6. There is no evidence of a defect in the IRS Forms 1099-OID submitted to the Internal Revenue Service on May 11, 2008 for the Taxpayer and Affiant believes that no such evidence exists.
- 7. There is no evidence of a defect in the amount returned to the Taxpayer by the U.S. Department of the Treasury on June 13, 2008 and Affiant believes that no such evidence exists.
- 8. There is no evidence that the Taxpayer authorized or consented to the transfer of the funds out of the Taxpayer's Bank of America account no. 0123456789, and Affiant believes that no such evidence exists.
- 9. There is no evidence of any outstanding controversies or disputes to settle between the Taxpayer and the Internal Revenue Service and Affiant believes that no such evidence exists.

IN WITNESS WHEREOF I hereunto set my hand and seal on this 17th day of September, 2008 and hereby certify all the statements made above are true, correct and complete.

Date: _____

Signed: _____
[address]

JURAT

State of)
) ss:
County of)

Subscribed and sworn to (or affirmed) before me on this 17th day of September, 2008, by John Henry Doe, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(seal)

Signature

The Process

After the time for your Respondents to answer has passed and if the other party hasn't answered, a Notice of Fault with an Opportunity to Cure can be sent to them, followed by an Affidavit/Notice of Default.

Notaries can serve each document for you, adding their Certificate of Mailing/Service. If your Respondents do not reply, or send a defective response, the Notary Public can then supply you with a Notice of Non-Response / Certificate of Dishonor.