

How to do a Conditional Acceptance

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 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.

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. The funding of the equity line of credit did not come from the promissory note/agreement I had signed on April 30, 2002;
2. You did not deposit my promissory note/agreement into an account from which 'checkbook' money was created, thus making Jane Doe a depositor to whom the funds were owed;
3. Countrywidth can demonstrate that they were put at risk by extending the above-referenced loan to me;
4. Countrywidth was/is or will be damaged if the above-referenced loan is not repaid;
5. The interest and fees added to this alleged debt are not usurious;
6. Countrywidth is not in violation of the Fair Debt Collection Practices Act 15, Section 1601, 1692, et seq., and can validate it's claim as I had demanded by Certified Mail #7001194000065267xxxx which Countrywidth received on July 1 of 2003;
7. The private Bond sent to you by the undersigned and received by Countrywidth on March 15, 2004, was dishonored by John Snow, Secretary of the Department of the Treasury and did not, therefore, discharge the above-reference "loan".

Etc., etc.

[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.

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[your signautre]

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

AFFIDAVIT

[Your name], a living soul, over 18 years of age, being competent to testify and having first hand knowledge of the facts herein, declares under penalty of perjury of the laws of the united States of America, that:

[Insert facts of the matter in numbered paragraphs, one statement per paragraph, in a logical, chronological order like so:]

1. On April 30, 2002, I entered into a mortgage agreement with Countrywidth Home Loans Inc. regarding the property known as 44 XXXXXXXX Court, HXXXXX, Pennsylvania.
2. At the closing of the loan on April 30, 2002, I was offered a line of credit from Countrywidth Home Loans Inc. in the amount of \$12,000. This line of credit was based upon the equity already present in the property by virtue of my initial \$25,000 down payment to the previous owners of 44 XXXXXXXX Court.
3. Said line of credit may have been created by Countrywidth depositing my promissory note/agreement into an account with the funds being created as I wrote checks drawn on that account. Wherever those funds came from, they represented a return of equity.

Etc., etc.

It usually ends with:

Further, Affiant sayeth naught.

Date: _____

Signed: _____
[address]

State of _____)
) ss:
 County of _____)

On this, the ____ day of _____, 2005, before me, a notary public, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that s/he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Secretarial Help

If you would like us to word process the CA and the Affidavit for you, send us the details of the matter along with \$50 and we will prepare it and send it to you for your signature, notarization and mailing. Contact us if you have questions.

Phone: 570-465-2795

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