

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

SENATE BILL 410

4
5 By: Senator J. Dismang
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For An Act To Be Entitled

8 AN ACT TO AMEND THE CRITERIA FOR AN AFFIDAVIT AS TO
9 CORRECTNESS OF ACCOUNT; AND FOR OTHER PURPOSES.
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Subtitle

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12 TO AMEND THE CRITERIA FOR AN AFFIDAVIT AS
13 TO CORRECTNESS OF ACCOUNT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-45-104 is amended to read as follows:
20 16-45-104. Affidavit as to correctness of account.

21 (a)(1) In any a suit on an account, including without limitation a
22 credit card account or other revolving credit account, in any of the courts a
23 court of this state, the affidavit of the plaintiff, ~~duly taken and certified~~
24 according to law, that the account is just and correct, taken and certified
25 according to law, shall be is sufficient to establish the account~~;~~.

26 (2) unless However, if the defendant denies under oath the
27 correctness of the account, ~~either in whole or in part, in which case the~~
28 plaintiff ~~shall be is~~ held to prove by other evidence ~~such the~~ part of ~~his~~
29 the account as is thus denied in dispute.

30 (b) An affidavit of account under subsection (a) of this section shall
31 be attached to the complaint and shall contain:

32 (1) The name of:

33 (A) The creditor to whom the account is owed;

34 (B) The creditor pursuing collection of the account; and

35 (C) The debtor obligated to pay the account;

36 (2)(A) A statement or disclosure of whether or not the debtor's



1 account has been assigned or is held by the original creditor.

2 (B) If the account has been assigned, the affidavit shall
3 state the name of the original creditor;

4 (3) A statement that the affiant's authority to execute the
5 affidavit on behalf of the creditor, including the affiant's job title or
6 relationship to the creditor;

7 (4) A statement that the affiant is familiar with the books and
8 records of the creditor and the account;

9 (5) A statement that the information and amount stated in the
10 affidavit is true and correct to the best of affiant's knowledge,
11 information, and belief;

12 (6) The interest rate and the source of the interest rate; and

13 (7) The total amount due, including interest, at the time the
14 affidavit is executed.

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