

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2114

September Term, 2015

KESHIA WILSON,
YVONNE JOHNSON

v.

NATIONAL COLLEGIATE STUDENT
LOAN TRUST

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 2017

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2006, Keshia Wilson and Yvonne Johnson, appellants, borrowed \$25,000.00 from Suntrust Bank and, in 2007, they borrowed \$25,000.00 from JP Morgan Chase. National Collegiate Student Loan Trust (“NCSLT”) thereafter purchased the loan from Suntrust in 2006 and the loan from JP Morgan in 2007. When appellants, several years later, ceased making payments on both loans, NCSLT filed suit for breach of contract in the Circuit Court for Montgomery County. A bench trial was held, and the trial court ultimately entered judgments against appellants in the amount of the outstanding loans, plus interest and costs. In this appeal from those judgments, appellants raise several issues, none of which have merit.

Appellants first contend that the court’s judgment is void because NCSLT was not a licensed debt collector under the Maryland Collection Agency Licensing Act. Section 7-101(c) of the Maryland Business Regulation Article defines “collection agency,” in pertinent part, as “a person who engages directly or indirectly in the business of...collecting a consumer claim the person owns, **if the claim was in default when the person acquired it[.]**” *Id.* (Emphasis added). Here, NCSLT acquired both debts prior to default; thus, it was not a collection agency under the Maryland Collection Agency Licensing Act.

Appellants next contend that NCSLT did not establish ownership of the debts or provide the requisite documentation, pursuant to Maryland Rule 3-306. These claims are factually and legally erroneous. At trial, NCSLT did provide evidence, both documentary and testimonial, establishing its ownership interest in the debts. Moreover, appellants’ reliance on Rule 3-306 is misplaced, as said rule pertains to a demand for judgment on

affidavit filed with a complaint in District Court. *Id.* The complaint in this case was filed by NCSLT in the circuit court, and the court rendered judgment following a trial. Thus, the provisions of Rule 3-306 are inapplicable.

Appellants next contend that the court erred in granting judgment in favor of NCSLT because there were “genuine issues of material fact.” But the court did not grant summary judgment; rather, after a trial, the court entered judgment against appellants, resolving all “issues of material fact” that were raised at that trial.

Finally, appellants contend that James Cummins, NCSLT’s custodian of records, lacked the requisite personal knowledge to testify regarding NCSLT’s business records because he was hired by NCSLT after the debts were purchased. This contention, however, was not raised by appellants at trial; therefore, it is not preserved for our review. Md. Rule 8-131(a). Moreover, Mr. Cummins’ date of hire, without more, does not bear on his competency to testify regarding the records. *See Bartlett v. Portfolio Recovery Associates, LLC.*, 438 Md. 255, 284-85 (2014) (“[T]here is no requirement that the witness have first-hand knowledge of the matter reported or that the witness actually have prepared or observed the preparation of the report.”) (internal citations and quotations omitted).

**JUDGMENTS OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANTS.**