

Declaration of Steven T. Kirsch

I, Steven T. Kirsch, a resident of California and a person over 18 years of age, hereby declare as follows:

1. On July 6, 2006, I called 1-800-250-8885 to inquire about doing a search for bank account numbers and balances for one of my debtors, Javier A. Cuadra. I had seen the advertisements on the Internet and wanted to find out how extensive the search was so that I could collect my court judgment.
2. I spoke with a person who identified himself as Fred Joseph. Mr. Joseph told me that his firm was one of only 10 firms in the country that are licensed to use the "banking system" to do bank searches. He said that they can just log in to the banking systems computers and type in their search. He said he could get results to me sometimes in a couple of days, but he said he's required by law to quote 10 to 15 days. I told him explicitly I needed bank account numbers and current balances. He said that wouldn't be a problem. He said a nationwide search for all bank and brokerage accounts would be \$495. I agreed to pay this since he assured me that he could get account numbers and balances often within just a few days. He said he only makes \$20 on the search. I tried to pay via credit card, but he insisted on using an electronic check. I found that pretty suspicious since never in my life have I had to pay via electronic check. Secondly, I asked if he needed a copy of the judgment to do the search. He said he did not. I also thought that was very unusual as every other service I use requires me to provide that. He told me I'd be notified of the search results by email and phone when they are available.
3. My bank account was debited \$495 on July 10, 2006.
4. On August 8, after 30 days, I had heard nothing whatsoever from them. I called and Fred told me it was still in research and I should stop being a "cry baby." I did a google search and found 4 postings at RipOffReport.com complaining about US Record Search. The scenario was the same as mine. I drafted a demand letter to US Record Search asking for my money back or I would sue. I faxed it to them.
5. On August 14, I received an email from US Record Search saying "Based on the information that you provided, there were No Records located in the Nationwide Bank and Investment Record Searches under the name of the following individual, Javier A. Cuadra." Attached to that email was an ordinary Accurant Asset Search that costs only \$2.50. I believe this was done after the fact to make me believe that they had done some work to do my search. Why did they not provide this to me immediately? It takes only 15 seconds to do this search. Yet I believe that they only did this to placate me and they only did this after the demand letter was sent.

6. I enlisted two independent search firms to do the same search. They both found his bank records in a couple of days without any problems.
7. I subsequently found complaints filed with the state of Florida as early as 1999 using the same modis operandi as what happened to me.
8. I also spoke with Terry Gilbeau of CheckMate Investigative Services Inc.” (tgilbeau@checkmatereports.com) who told me that he sometimes gets as many as one complaint a day about Fred’s firm. The same modis operandi.
9. As part of my court case, I subpoenaed the bank records for US Record Search. I found that he makes approximately \$40,000 per month in revenue. However, I could find no evidence whatsoever that any of that money was paid to do my search. Instead, I found payments to Publix Deli, Yahoo Search Marketing, Pollo Tropical (restaurant), Pizza Hut, T-mobile, Dairy Queen, Pink Flamingo Dry Cleaners, Footaction (shoes), Kanoodle.com (search engine marketing), Texaco (gas), Champs (sporting goods), Chevron (gas), Tessor’s Deli, Sunglasses hut, The Vitamin Shoppe, The UPS store, OfficeMax, Exxon, Earthlink, Google Search Marketing, his CPA, etc. There was one charge of \$223 for Masterfiles, Inc. which is a database service geared to finding people.
10. From my examination of the Masterfile website, it has no databases that are capable of finding bank account number or balances. Therefore, there was no evidence I could find that Mr. Joseph ever performed the service that I paid for. He told me he only makes \$20 on each search. Then who was paid the \$475 to perform my search? He refused to tell me.
11. I asked my attorney, John C. Brown, to call US Record Search in an attempt to find out if there they have any major clients who use them on a regular basis. He spoke with Fred Joseph who told him that his firm was used by all the major law firms and he rattled off several names including Baker Botts LLP, Baker & McKenzie, Skadden, Arps, Slate, Meagher & Flom LLP. I know this because my attorney sent me on email on August 18, 2006 immediately after getting off the phone with Fred with these names. However, Fred refused to provide names of people at any of these firms to my attorney so none of the information could be verified.
12. I found no records at all that the search was performed. All I have is an Accurint search that was done after I sent the demand letter and well after 30 days after the search was started.
13. I have spoken with 3 other people who have recently had experiences very similar to mine including lack of any response within the promised timeframe, being told “it is still in research” and to wait, and insults by Fred when you persist in complaining about the lack of response.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 27, 2006, in Los Altos, Santa Clara County, California.

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