

AFFIDAVIT OF FACT

STATE OF ALABAMA
COUNTY OF WALKER

I, [REDACTED], being duly sworn, state as follows:

1. On **September 30, 2023**, I purchased a 2020 Hyundai Palisade (VIN [REDACTED]) from Jim Burke Automotive, Inc., 1301 5th Avenue North, Birmingham, AL 35203 which is currently referred to as Hallmark Automotive Group, owned by Hallmark ACQ LLC.
2. At the time of sale, the dealer did not disclose that the vehicle was subject to NHTSA Recall No. 22V633000, a defect carrying a serious fire risk. The same defects that are exhibited on the recall sites are the same defects that my vehicle exhibits per mechanical multi-port inspection.
3. This recall was issued and publicly available before the sale date of **09/30/2023**, and the dealership had access to this information via standard VIN inquiry.
4. The following are some common problems and defects that have occurred since having this vehicle: brake master cylinder, black screen goes out, circuit board malfunctions, worn shaft bearing, speed sensor, AC problems
5. I have lost confidence in the dealership's ability to safely and honestly repair or service the vehicle and have reason to fear potential retaliatory or unsafe conduct should the vehicle be returned to them.
6. I affirm the truth of these statements under penalty of perjury.

[Signature & Date –

8/20/25

Notary Public:

Subscribed and sworn before me this 20th day of August, 2025

My Commission Expires 01/26/2026

FORMAL DEMAND & RECALL ENFORCEMENT NOTICE

August 20, 2025

TO:

Jim Burke Automotive, Inc.
1301 5th Avenue North
Birmingham, AL 35203
Phone: (205) 324-3371

Hallmark Automotive Group
1301 5th Avenue North
Birmingham, AL 35203
Phone: (205) 324-3371

CC:

Hyundai Motor America – Consumer Affairs / Recall Dept
Attn: Recall Compliance
10550 Talbert Avenue
Fountain Valley, CA 92708
Phone: (714) 965-3000

Office of the Attorney General – Consumer Protection Division
501 Washington Avenue
Montgomery, AL 36104
Phone: (334) 242-7335

National Highway Traffic Safety Administration (NHTSA)
Office of Defects Investigation (ODI)
1200 New Jersey Avenue SE
Washington, DC 20590
Phone: (888) 327-4236

**RE: Immediate Demand for Recall Compliance, Full Replacement Vehicle,
and Protective Oversight Against Retaliation**

Vehicle: 2020 Hyundai Palisade
VIN [REDACTED]
Purchase Date: September 30, 2023

Buyer:

• [REDACTED] Sumiton, AL [REDACTED] [REDACTED]

To All Parties Addressed:

This is an **official, time-sensitive demand** for immediate remedy of serious violations of federal and state consumer protection law, specifically concerning concealment of a dangerous safety defect at the time of sale.

On **September 30, 2023**, the above-referenced vehicle was purchased from **Jim Burke Automotive, Inc.**, now operated by **Hallmark Automotive Group**. It has been verified through the NHTSA database that, at the time of sale, this vehicle was subject to **NHTSA Recall No. 22V633000**, a defect carrying a severe risk of engine compartment fire.

The selling dealership failed to disclose this known safety defect before the transaction was finalized, in violation of:

- **15 U.S.C. § 1232 & § 1397(a)(1)** – Federal Motor Vehicle Safety disclosure requirements.
 - **Ala. Code § 8-19-1 et seq.** – Alabama Deceptive Trade Practices Act.
 - Common law duties prohibiting fraudulent concealment of known latent dangers.
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DEMAND FOR STRONGEST REMEDY

Given the grave safety risk, loss of trust in the dealership's service integrity, and the potential for retaliatory or unsafe repairs, I hereby demand:

1. **Immediate replacement of the vehicle** at your expense with a *new*, recall-free vehicle of equal or greater value, inclusive of taxes, tags, and fees.
— OR —
Full rescission of the sale, including refund of purchase price, financing costs, and related expenses.
2. Written admission or denial of knowledge of the recall at the time of sale.
3. Written confirmation that no mechanic employed or contracted by your business will perform any repair on the subject vehicle, unless specifically approved in writing by the buyers.

4. Agreement to transfer any recall remedy to an **alternate Hyundai-authorized service center** not under your ownership or control, at Hyundai's expense.
 5. Compensation for any and all costs associated with this nondisclosure, including but not limited to towing, inspection, temporary transportation, and diminished value.
-

PROTECTIVE MEASURES TO DETER RETALIATION

I hereby place all parties on **formal notice** that:

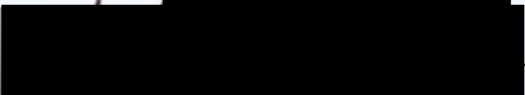
- The condition of the vehicle is now fully documented by photos, videos, and witness statements.
 - Any further defects, damage, or tampering discovered after dealer possession will be presumed intentional and pursued as criminal and civil misconduct.
 - Multiple oversight bodies (NHTSA, Hyundai Corporate, and the Alabama Attorney General) are copied on this demand to ensure full transparency and accountability.
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RESPONSE DEADLINE

You are required to respond in **writing** within **10 business days** of receipt of this notice. Failure to respond will result in:

- Immediate filing of complaints with the Alabama Attorney General, NHTSA, and Hyundai Corporate.
 - Initiation of civil litigation for fraudulent concealment, breach of implied warranty, UDTPA violations, and all other applicable claims, seeking treble damages, attorney's fees, and injunctive relief.
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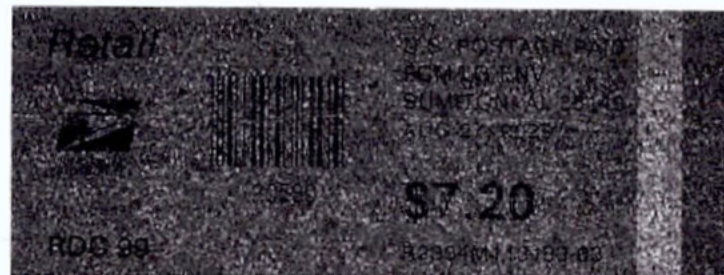
Respectfully,

[Signature] 


CERTIFIED MAIL



Sumiton, AL



Department of Transportation

To: W48-226

Building: DOT

Mounting: 4 West

Rtg Symbol: NVS-200,210,300,010

External Carrier: PRIORITY

Sender:

DOT

9/4/2025 9:11:00 AM

W48-226

National Highway Traffic Safety Administration (NHTSA)
Office of Defects Investigation (ODI)
1200 New Jersey Avenue SE
Washington, DC 20590