

How To Stop Creditors Harrassing Phone Calls
A FREE Consumer Combat Manual

Compliments of Attorney Sullivan
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Disclaimer

Booklet is intended as general information. It is not been designed to replace legal advice from attorney. There may be factors present in your situation that makes the information contained in booklet inapplicable.

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HOW TO STOP HARRASSING PHONE CALLS
A CONSUMER COMBAT MANUSCRIPT

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QUESTIONS AND ANSWERS

QUESTION 1. Bill Collectors are harassing me. How top them?
ANSWER. Know the law, use the law and the law.(See The Law Explained)

QUESTION 2 Can a debt collector call me at work?
ANSWER 2. No! (See The Law Explained #1)

QUESTION 3. When can a debt collector contact me?
ANSWER 3. Mon-Sun, 8 AM to 9 PM (See The Explained #2)

QUESTION 4. Can a debt collector contact my friends, relatives or neighbors?

ANSWER 4 No. (See The Law Explained)

QUESTION 5. Can an attorney be a debt collector?
ANSWER 5. Yes. (See The Law Explained #4)

QUESTION 6 Can a debt collector insult me or swear?
ANSWER 6. No. (See The Law Explained #5)

QUESTION 7 What if I do not owe the amount being collected?
ANSWER 7. You have the right to challenge the debt and the bill collector must give you proof that we it. (See The Law Explained #6)

QUESTION 8 What will happen when I send a letter asking that the Debt Collector stop contacting me?

SHORT ANSWER 8. They are supposed to stop contacting you (See The Law Explained #7)

QUESTION 9. What can I do if the Debt Collector contacts me after I write a letter telling him not to contact me?

SHORT ANSWER 9: Sue him! (See Law Explained #8)

QUESTION 10. What if the Creditor tells me that they can't remove damaging information from my credit report? (See the Law Explained)

SHORT ANSWER 10. It's a lie.

QUESTION 11. What's a creditor?

SHORT ANSWER 11. A person or company to which you owe money directly. (Sears, Visa, MasterCard)

QUESTION 12. What is a collection agency or bill collector?

SHORT ANSWER 12. A collection agency or bill collector is hired by the creditor to collect a debt. (Examples, C.C.S, Global Recover, Collection Bureau of Conn, etc)

QUESTION 13 Does the Federal Fair Debt Collection Practices Act apply to both Creditors and Collection Agencies?

SHORT ANSWER 13.No, it applies only to Collection Agencies and not to CREDITORS! Collection Agencies have to pay \$1,000 per violation. (See The Law Explained)

QUESTION 14. Since the Federal Fair Debt Collection Practices Act applies only to Collection Agencies, can Creditors harass me?

SHORT ANSWER 14. No! Under Connecticut law it is illegal for a creditor to harass you. But guess what? There is no penalty (no \$1,000.00 penalty as in Federal law) provided by statute against the creditor for harassing you. You can write to the Conn. Banking Commission and request an investigation. If enough consumers write to the Banking Commission and sign out petition the Connecticut Law could be expanded to provide for penalties for the violation of the law. Still it's against the law for a creditor to harass you. Do your civic duty and write a letter of petition to the Banking Commissioner. See Petition Letter to Banking Commissioner.

QUESTION 15. What constitutes harassment?

SHORT ANSWER 15. Constantly calling you, constantly calling you after you have written them a letter to stop calling you, threat of violence use of obscene language, abusive language, threatening to bring a lawsuit which they don't bring. (See The Law Explained)

QUESTION 16. Is it legal to tape record a telephone conversation?

SHORT ANSWER 16. Under the following conditions it is legal to tape record a conversation:

1. You did not initiate the telephone call
2. You inform the bill collector who has contacted you that you are about to tape record the conversation prior to recording. You do not have to get his permission to tape record. But you must tell him that you are tape recording the conversation. When you tape record the conversation, you should start the tape as follows:
"Today is _____(date) at _____(time) and this is _____(your name) speaking and I am speaking at a phone located at _____(address). I have informed the Collection Agency that I am going to tape record this conversation and they are fully aware that I am tape recording this conversation. Did I tell you Collection Agency that I am tape recording this conversation? Are you going to continue talking to me even though you know this conversation is being tape recorded?"

6 STEPS TO PROTECTING YOUR RIGHTS

BE THE RABBIT

1. Get the name and address of the collection agency. You may for this by "being the rabbit". When the creditor calls, you must be willing obey them. You want to instantly comply with their orders. I realize I have to pay the bill. Where do I send the payments? What's the address? What's your name? Should I make the check payable to you?" (The answers to these questions are very important.)
2. Once you have the information you need, mail them a letter from one of the samples in this booklet.
3. You MUST send the letter certified mail.
4. Keep a log of every letter you send out and to whom you mailed it. Also, keep a COPY OF THE LETTER YOU SEND.
5. Keep a log of every phone call you have received and who called you.

BE THE BEAR

Tape record the conversation.

6. Once you have sent a letter to stop calling and you are called again, it is time to “be the bear”, “I sent you a letter on DATE, and you are still calling me. As per my letter, I am now going to record his conversation on my answering machine. I am now recording. I sent you a letter on which requested that you stop harassing me. Why are you still calling me?” See Question #16.

FEDERAL AND STATE AGENCIES WHICH WILL HELP YOU ENFORCE YOUR RIGHTS TO BE FREE FROM COLLECTION AGENCIES HARASSING PHONE CALLS

DON'T HESITATE TO CALL YOUR PUBLIC SERVANTS.

Attorney General Richard Blumenthal
55 Elm St., 5th Floor
Hartford, CT 06106
(860)566-7014

Connecticut Dept. of Banking
Commissioner John Burke
260 Constitution Plaza
Hartford, CT 06103
(800) 831-7225
(860) 240-8299
(860)240-8200 (Consumer Credit)

Department of Consumer Protection
Attn: Complaints Dept
165 Capital Dr.
Hartford, CT 06106
(860)842-2649
(860)566-1543 Complaint Center
(Kimberly Downes) Consumer Information Rep.

Federal Trade Commission
Attn: Mary Haley

101 Merrimac St., Suite 810
Boston, MA 02114

Federal Trade Commission
Bureau of Consumer Protection
Attention: David Medicine
Washington, D.C 20580
(202)326-2182

HOW TO STOP HARASSING CALLS AT HOME

SAMPLE LETTER

Mary Collector, Office Manager
XYZ Collector Bureau
100 Main St.
Anywhere, CT 00000
Certified Return Receipt Requested #Z 847 576 624
RE: Account # _____
Creditor: _____

Dear Ms.Mary Collector:

Your agency telephoned me at HOME at approximately _____ (TIME). I found your phone call to be harassing, annoying and intimidating. I am trying to pay my bills and straighten out my current financial situation. However, I do not want ot alk with you and will not. Please do not call me at work or at home. My employer does not allow me to discuss personal matters at work and your calls to my home are very annoying.

NOTICE: In the vent you continue to contact me, I will tape record our conversation.

Sincerely Yours,

John Jones
21 Elm St.
Anywhere, CT 00000

Cc: Attorney General Richard Blumenthal
Department of Banking

Department of Consumer Protection
Federal Trade Commission.

HOW TO STOP HARASSING CALLS AT WORK

SAMPLE LETTER

Ms. Mary Collector, Office Manager
XYZ Collection Bureau
100 Main Street
Anywhere, CT 00000
Certified Return Receipt Requested #Z 847 576 624

Date _____
RE Account# _____
Creditor: _____

Dear Ms.Mary Collector:

Your agency telephoned me at WORK on DATE at approximately TIME. Please do not call me at work. My employer does not allow me to discuss personal matters at work.

Further, I found your phone call to be harassing, annoying and intimidating. I am trying to pay my bills and straighten out my current financial situation. However, I do not want to talk with you and will not. Finally, I do not want you to call me at home under any conditions and I forbid you from contacting neighbors, friends or relatives.

NOTICE: In the event you continue to contact me, I will tape record our conversation.

Sincerely Yours,
John Jones
21 Elm St.
Anywhere, CT 00000

Cc: Attorney General Richard Blumenthal
Department of Banking
Department of Consumer Protection
Federal Trade Commission

Petition Letter to Banking Commissioner

Commissioner John Burke
Connecticut Department of Banking
260 Constitution Plaza Hartford, CT 06103
RE: Letter of Petition

Dear Commissioner Burke:

PURPOSE: I am writing this letter asking you to amend CGS 243a, “Regulation of Creditors Collection Practices”.

REASON: Presently, Connecticut law prohibits harassing of debtors by creditors in order to collect a debt. However, there is no penalty or sanction imposed by law for such harassment. I, the undersigned, have either been harassed by creditor(s) or know of individuals who have been harassed. However, I/they are powerless to stop the harassment because there is no effective or practical remedy and/or penalty available to me or them for such violation under present Connecticut law.

RECOMMENDED ACTION:

I, the undersigned, recommend the following:

- 1) that Connecticut enact laws which provide minimum penalties for the violation of CGS 36 243 (b) and regulations there under comparable to the Federal Fair Debt Collection Practices Act 15 U.S.C 1692k as follows:
 - a) \$1,000 penalty per violation of the Act
 - b) reasonable attorneys’ fees

I want to emphasize that the above penalties are a minimum and would recommend a minimum penalty of \$5,000 for each violation plus reasonable attorneys’ fees be enacted.

Very truly yours,
John Jones Taxpayer and Voter
21 Elm St.
Anywhere, CT 00000

Cc: Attorney General Richard Blumenthal
Department of Consumer Protection
Federal Trade Commission

SENDING CERTIFIED MAIL

STEP ONE: Write the name of the Collection Agency on line a.

STEP TWO: Write the street address of the Collection Agency on line b.

STEP THREE: Write the city, state and zip code. (Make certain that the Zip Code is accurate.)

STEP FOUR: Attach the green bottom half of the receipt to the right of the return address on your envelope.

It costs approximately \$2.52 for a one page letter to send it Return Receipt Requested. I cannot overstate the importance of being able to prove that you sent a letter demanding that the collection agency stop harassing you. You must send it return receipt requested. **ALSO ATTACH THE WHITE PORTION OF THE RECEIPT TO THE COPY OF THE LETTER YOU ARE RETAINING FOR YOUR FILE.** The Post Office will fill-in the rest of the form.

Mr. John Jones
21 Elm St.
Anywhere, CT 00000
XYZ Collection Agency

P 339 684 502
US Posted Service
Receipt for Certified Mail No Insurance Coverage Provided.
Do not use for International Mail (See Reverse)
Sent to
ABC Collection Agency Street & Number
Box 54321 Post office, State & Zip Code
New York, NY 10010 Postage \$ Certified Fee Special Delivery
Fee Restricted Delivery Fee Return Receipt showing to whom
and date delivered Return Receipt Showing to date and
addressee's address TOTAL Postage & Fees \$ Postmark or Date

Fold all line over top of envelope to
the right of the return address

CERTIFIED

P 339 684 502

MAIL

PREPARING THE GREEN RETURN REPLY CARD

STEP ONE: Write your return address on the front of the Green Card.

STEP TWO: On the front of your Green Card, in the lower left hand corner, write the name of the Collection Agency. If you are mailing several cease and desist letters, it's easier to find the letter you send and attach the Green Card to it, if you write the name of the Collection Agency in the lower left corner.

STEP THREE: ADDRESS THE NAME OF THE Collection Agency and the Office Manager or Representative in section 3. Be careful with the zip code. If it's not exactly correct, it won't get delivered.

STEP FOUR: Fill in section 4a with the number, which is on the white form #3800. This number should also appear at the top of your letter to the Collection Agency.

STEP FIVE: In section 4b, check off the box with the word “certified” next to the square.

You don’t have to fill in anything else. The Post Office will take care of the rest.

Article Addressed to:
XYZ Collection Bureau
100 Main St.
Anywhere, CT 00000

P 339 684 502
US Posted Service
Receipt for Certified Mail No Insurance Coverage Provided.
Do not use for International Mail (See Reverse)
Sent to
ABC Collection Agency Street & Number
Box 54321 Post office, State & Zip Code
New York, NY 10010 Postage \$ Certified Fee Special Delivery
Fee Restricted Delivery Fee Return Receipt showing to whom
and date delivered Return Receipt Showing to date and
addressee's address TOTAL Postage & Fees \$ Postmark or Date

**Fold all line over top of envelope to
the right of the return address**

CERTIFIED

P 339 684 502

MAIL

PREPARING THE GREEN RETURN REPLY CARD

STEP ONE: Write your return address on the front of the Green Card.

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STEP FIVE: In section 4b, check off the box with the word "certified" next to the square.

You don't have to fill in anything else. The Post Office will take care of the rest.

Article Addressed to:
XYZ Collection Bureau
100 Main St.
Anywhere, CT 00000

UNITED STATES POSTAL SERVICE



First Class Mail
Postage & Fees Paid
USPS

- Print your name, address and ZIP Code in this box*

Mr. John Doe
P.O Box 1234
Groton, Ct. 06340

PHONE LOG

NAME OF CALLER: _____

DATE: _____ TIME: _____

ADDRESS: _____

NOTES: _____

NAME OF CALLER: _____

DATE: _____ TIME: _____

ADDRESS: _____

NOTES: _____

NAME OF THE _____

CALLER: _____

DATE: _____ TIME: _____

ADDRESS: _____

NOTES: _____

NAME OF CALLER: _____

DATE: _____ TIME: _____
ADDRESS: _____
NOTES: _____
NAME OF CALLER _____
DATE: _____ TIME: _____
ADDRESS: _____
NOTES: _____

LETTERS SENT LOG

NAME OF CREDITOR: _____
DATE SENT: _____
ADDRESS: _____
DATE RECEIVED RETURN OF GREEN CARD: _____
COPY OF LETTER IN FILE WITH GREEN CARD STAPLED TO
LETTER: YES/NO
NAME OF CREDITOR: _____
DATE SENT: _____
ADDRESS: _____
DATE RECEIVED RETURN OF GREEN CARD: _____
COPY OF LETTER IN FILE WITH GREEN CARD STAPLED TO
LETTER: YES/NO
NAME OF CREDITOR: _____
DATE SENT: _____
ADDRESS: _____

DATE RECEIVED RETURN OF GREEN CARD: _____
COPY OF LETTER IN FILE GREEN CARD STAPLED TO LETTER:
YES/NO

THE LAW EXPLAINED

In order to effectively halt the harassment you are currently experiencing at the hands of your Creditors it is important for you to have an understanding of the Fair Debt Collections Practices Act, FDCPA for short. This Act was passed by the United States Congress on September 20, 1977 in response to the widely held and accurate belief that Collection Agencies were using increasingly extreme measures to coerce people into paying their debts.

FACT: Debt Collectors still routinely lie and/or misrepresent facts to consumers r misrepresent facts to consumers regarding their rights and their accounts.

One of the most important distinctions made in the FDCPA is the distinction between Creditors and Debt Collectors. Debts Collectors are covered by the Act and Creditors are not. What this means to you is that you cannot use the following information to defend yourself from the ORIGINAL Creditor. The good news is that the original Creditor generally will not keep your account for more than 120 day period they will generally assign your account to a Debt Collector.

FACT: The FDCPA does not protect you from the attempts of the ORIGINAL Creditor to collect upon their account.

The most important right provided you by the FDCPA is the right to end ALL contact with the Debt Collectors simply by sending to the Debt Collector, via registered mail, a letter demanding that they no longer contact your either at home or at work. Once this is done the Debt Collector must cease all contacts. It is essential that this request be made in writing and sent by way of registered mail, return receipt requested. The Debt Collectors are not required to honor a verbal request to cease calling and I promise you they will never receive your letter unless they sign for it. A sample letter for you to use is included in the back of this booklet. 15 USC 1692c(c) Ceasing Communications: If a consumer notified a Debt Collector in writing that the consumer wishes the Debt Collector in Writing that the consumer wishes the Debt Collector to cease further communication with the consumer, the debt Collector shall not communicate further with the consumer with respect to such debt except:

1. to advise the consumer that the Debt Collector's further efforts are being terminated.
2. to notify the consumer that the Debt Collector or Creditor may invoke specified remedies which are ordinarily invoked by such Debt Collector or Creditor or
3. where applicable to notify the consumer that the Debt Collector or Creditor intends to invoke a specified remedy.

Sending a written demand to the Debt Collector demanding that they cease further communication with you is your most valuable tool for ending Creditor harassment. Keep copies of the letters you have sent and keep notes of every Debt Collector you have notified by mail as well as the dates you sent those letters out. Save your return receipts! They are your proof that the Debt Collector did indeed receive your letter.

TEN MOST COMMONLY ASKED QUESTIONS

1. Can a Debt Collector call me at work?

No. The Debt Collector cannot contact you at work once you have informed them that your employer does not allow you to receive personal calls at work. It is very important that you make this fact known to the Debt Collector in a written letter sent by certified mail. You must have documentation of everything because the Debt Collector will not voluntarily admit to having notified.

15 USC 1692 c (a)(3)-Without the prior consent of the consumer given directly to the Debt Collector or the express permission of a court of competent jurisdiction, a Debt Collector may not communicate with a consumer in connection with the collection of any debt at the consumer's place of employment if the Debt Collector knows or has reason to know that the consumer's place of employment if the Debt Collector knows or has reason to know that the consumer's employer prohibits the consumer from receiving such communication

2. At what times can a Debt Collector contact me?

A Debt Collector may call Monday through Sunday only between the hours of 8:00 AM and 9:00 PM.

15 USC 1692c(a)(1) A Debt Collector may not communicate with a consumer in connection with the collection of any debt at any unusual time or place or a time known to be inconvenient to the consumer. In the absence

of knowledge of circumstances to the contrary a Debt Collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock A.M and before 9 o'clock P.M local time at the consumer's location.

3. Can a Debt Collector contact my friends, relatives or neighbors?

Without your permission or the permission of a court of law, the Debt Collector may not contact any individual concerning your debt. However, the Debt Collector may contact a third party for the sole purpose of obtaining your address. Furthermore, the Debt Collector generally cannot communicate with that Third Party more than once, nor can they reveal who they work for unless specifically asked by the person they have contacted.

15 USC 1692c (b) Except as provided in section 1692b of this title, without the prior consent of the consumer directly given to the Debt Collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post judgement judicial remedy, a Debt Collector may not communicate in connection with the collection of any debt, with any person other than the consumer, his attorney a consumer reporting agency if otherwise permitted by law, the Creditor, the attorney of the Creditor or the attorney of the Debt Collector 15 USC 1692 b Any Debt Collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall:

- (a) Identify himself, state that he is confirming or correcting location information concerning the consumer and only if expressly requested, identify his employer.
- (b) Not communicate with any such person more than once unless requested to do so by such person or unless the Debt Collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now had correct or complete location information

4. What if the Debt Collector is an attorney? Any attorney who collects two or more debts a year is a Debt Collector. This means they are covered by the FDCPA and, therefore, you can put a stop to their harassment with a simple written request, sent via registered mail, that they cease all communication with you. Furthermore, an attorney who is not licensed to practice in the State of Connecticut cannot sue you here and the FDCPA requires that any law suit against you be brought either where you live or where the contract was signed.

IMPORTANT NOTE: In cases where the main purpose of the suit is to recover “collateral” for the loan, the suit may be brought where the property is located. (e.g. Foreclosure)

15 USC 1692i(a) Any debt Collector who brings any legal action on a debt against any consumer shall

- (1) In the case of an action to enforce an interest in real property securing the consumer’s obligation, bring such action only in a judicial district or similar legal entity in which such real property is located; or
- (2) In the case of an action not described in paragraph (1) bring such action only in the judicial district or similar legal entity in which such consumer signed the contract sued upon or in which such consumer signed the contract sued upon or in which such consumer resides at the commencement of the action

5. Can the Debt Collector insult me or swear at me?

Absolutely not! The debt Collector is prohibited by the FDCPA from berating, insulting or swearing at you. You do not have to put up with incivility from any Debt Collector

15 USC 1992d A Debt Collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing the following conduct is a violation of this section

- a. The use or threat of use of violence or other criminal means to harm the physical person reputation or property of any person
- b. The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.
- c. Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse or harass any person at the called number

6. What if I do not owe the amount being collected upon?

You have the right to dispute the validity of any debt that the Debt Collector is attempting to collect upon. To dispute the debt you must do so in writing

and again I would advise you to send the letter via registered mail. Once you have sent the Debt Collector notice that you dispute the debt, they must cease their collection efforts until they verify the validity of the debt with the original Creditor. A copy of this verification must be mailed to you. A Debt Collector is entitled to assume, by your failure to dispute the validity of the debt within 30 days, that the debt is valid. However, your failure to dispute the validity cannot be treated as an admission of liability on your part by any court in any subsequent court proceeding

15 USC 1692g(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a Debt Collector shall, unless the following information is contained in the initial communication or the consumer had paid the debt, send the consumer a written notice containing--

- a. the amount of the debt;
- b. the name of the Creditor to whom the debt is owed;
- c. a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt or any portion thereof, the debt will be assumed to be valid by the Debt Collector;
- d. a statement that if the consumer notifies that Debt Collector in writing within the thirty-day period that the debt, or any portion thereof is disputed, the Debt Collector will obtain verification of the debt or a copy of a judgement against the consumer and a copy of such verification or judgement will be ailed to the consumer by the Debt Collector and:
- e. a statement that, upon the consumer's written request within the thirty-day period, the Debt Collector will provide the consumer with the name and address of the original Creditor, if different from the current Creditor.

USC 1692g(b) – If the consumer notifies the Debt Collector in writing within the thirty-day period described in subsection (a) of this section that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original Creditor, the Debt Collector shall cease collection of the debt, or any disputed portion thereof, until the Debt Collector, the Debt Collector shall cease collection of the debt or any disputed portion thereof, until the Debt Collector obtains verification of the debt or a copy of a judgement, or the name and address of the original

Creditor and a copy of such verification or judgement or name and address of the original Creditor is mailed to the consumer by the Debt Collector.

1962g(c) The failure of a consumer to dispute the validity of a debt under this section may not be constructed by any court as a admission of liability by the consumer.

7. What will happen when I send a letter demanding that the Debt – Collector stop contacting me? Once the Debt Collector receives your written request to cease all communication only a couple of opt remain.
 - a) The Debt Collector may return your account original Creditor. If this happens, you must wait and see what your Creditor will do now. It may now possible to negotiate with the Creditor will do now. I may now possible to negotiate with the Creditor for the removal of all negative information from your credit report exchange for either monthly payments or a lump sum settlement.
 - b) The Debt Collector may turn your account on attorney to sue you. If this happens the attorney either sue you or threaten to sue you. In any case immediately send a written request to the attorney informing him that he is not to contact you. If he sues you and gets a judgement against you. **YOU WILL GO TO JAIL.** Failure to pay your Creditors is no crime. Once the attorney has a judgement he can attempt to garnish your wages, and if you are a employee this is almost impossible to do, or plan upon your house, If you do not have a house a Creditor generally will not place a lien on anything else

Note: In the State of Connecticut, a Creditor may garnish up to 25% of your wages. However, in almost cases you may ask the court to order a garnish an amount far less than 25% of your pay. It is unusual for the judge to order payments of \$1 (\$15.00 a week, sometimes less.

 - c) Your original Creditor may assign your account another Debt Collector. If this happens simply via registered mail, a written request that all communication from the Debt Collector stop.
 - d) Your original Creditor may hire an attorney you. If this happens see b. above.
 - e) Your original Creditor may up or seek to come to agreement with you. Once this happens you may contact the Creditor and work out a settlement of your credit in exchange for the

Creditor's promise to remove any negative information from your credit report. Contrary to what the Creditor may tell you.

THEY CAN REMOVE NEGATIVE INFORMATION FROM YOUR CREDIT REPORT. If they cannot promise to remove the information do not work out a deal. At this point they may already written off your account and may not pursue further collection

8. What can I do if the Debt Collector violated the FDCPA?

You can sue your Debt Collectors. The FDCPA provides for violation of the Act, the Debt Collector may be up to \$1,000.00 and be required to pay any of actual costs arising from the violation. Further more whenever a successful action is brought, the Debt Collector is required to pay all of the legal fees and associated with bringing the case.

15 USC 1692k(a) – Except as otherwise provided by this section, any Debt Collector who fails to comply with provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of

1. any actual damage sustained by such person as a ___ of such failure;
2.
 - a. in the case of any action by an individual, additional damages as the court may allow, but exceeding \$ 1,000 or
 - b. in the case of a class action, (i) such amount for each named plaintiff as could be recovered under paragraph (A), and (ii) such amount as the court allow for all other class members, without regard minimum individual recovery, not to exceed the lesser of \$ 500,000 or 1 per centum of the net worth of Debt Collector, and
3. In the case of any successful action to enforce the going liability, the costs of the action together with a reasonable attorney's fee as determined by the court. On a finding by the court that an action under section was brought in bad faith and for the purpose of harassment the court may award to the defendant attorney's fees reasonable in relation to the work expended and costs.

9. What if the Creditor tells me that the not remove damaging information from credit report?

This is a common misperception among consumers and one fostered by Creditors. Often, even the individuals working for your Creditors are unaware that the information they may be removed. However, the Fair Credit Reporting Act requires only that the information reported on your credit report be true. It does not require that all information be reported. It is important to know that a Debt Collector cannot remove negative information placed on your report by the original Creditor. Never pay a Debt Collector any money should always deal with the original Creditor's you may have the damaging information removed.

10. What is the difference between secured and unsecured debt.?

An important distinction exists between secured and unsecured debt. A secured Creditor possesses some piece of property that you own. Typical lien is placed on a car or a home, but it may be on household items such as t.v.'s, computers or jewelry. If you have pledged any piece of property as "collateral" for the loan, chances are the loan is secured. Unsecured debts, you should apply the information you have learned in this booklet, but for your secured you must be aware of additional factors. If a Creditor has a lien on any piece of your property, the Creditor the Debt Collector (if authorized to do so) may bring an action in court to recover the "collateral". Foreclosures and repossessions are the two most common types of collateral recovery. These can only be prevented by either meeting the Creditors terms filling. A creditor typically will be less likely to work with you and more likely to repossess or foreclose in instances where they are secured. Our office would be happy to give you further information on the pros and cons of a Debt- managements is when you don't file bankruptcy. Of course, everyone would prefer to be able to pay all of their Creditors as agreed.

Unfortunately, due to a variety of reasons it may not be possible and then one learns how quickly it may not be possible and then one learns how quickly many of their creditors can change from all smiles to hard demands. Remember, you have not committed a crime or done anything wrong. You have merely found yourself in a situation similar to millions of other good people. Your Creditors and Debt Collectors will try to intimidate, harass and annoy you into paying them money you do not have, but do not give in. Use the information contained in this booklet to help you in straightening out your affairs. It won't be easy, but it can be done.