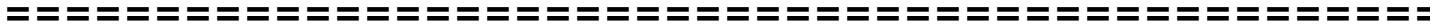


can creditor sue while enrolled in national debt relief program

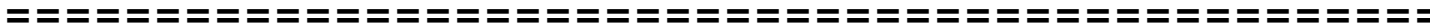
**Can You File A
Lawsuit By Yourself
Against A Creditor
For Violating Fair
Debt Collection Act**



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What Everybody Ought To Know About What Can Debt Collectors Do
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As common sense and statistics tell us, the leading cause of marital discord is money. Although clearly illegal, this nasty little trick is incredibly common. A little more than a year ago, Mrs. Schnauzer and I filed a lawsuit alleging multiple violations of the FDCPA. If consumers doubt the details of a debt, they can send the collector a debt verification letter seeking more information beyond the validation letter. If a bill collector goes too far, you can take action. You can also

take your re-aging issue up with the collection agency itself. If you pull your credit report and the original creditor's derogatory information is gone but a collection agency's negative trade line lingers on your report, there's a good chance the collector re-aged your debt. A collector is not allowed to use false names. The new proposal states that once a debt collector speaks to a consumer, however, they're not allowed to call again for a week. They are not allowed to send you anything that tries to look like an official document from a court or government agency. If you are waiting on past due payments on a construction project, read on to learn how demand letter can help you get paid.

Let's say your original debt was a defaulted credit card debt and you stopped making payments in January of 2005. In June of 2005 - 180 days later - the credit card company assigns your defaulted account to a collection agency and updates your credit report to reflect that the debt you owe was charged off. The date of first delinquency is the date that your payments to the original creditor were first classified as late. Now you have both the original creditor's derogatory entry and one from a collection agency. Under the FDCPA, you have the right to tell a collection agency employee to stop contacting you. Although most bill collectors are careful to follow the law when contacting you, some are not. These are two totally different time frames. They did this for two reasons. You can sue the collector in federal or state court for damages. The debt collector could sue you and win a judgment that will cost you more time and money. If a debt collector that works for a collection agency breaks the law, you can take steps to make sure it doesn't happen again.

Whenever a debt collector violates that law, you should file a complaint with the FTC. Federal law, the Fair Debt Collection Practices Act (FDCPA) prohibits debt collectors from using abusive, unfair or deceptive practices to collect from you. The Fair Credit Reporting Act dictates that most debts can only remain on your credit report for 7 years and 180 days from the date of first delinquency. Because few creditors send accounts to collection agencies until they are 180 days'

delinquent, collection agency entries rarely remain on debtors' credit records for the full 7.5-year period. It does not cover debt collectors that are employed by the original creditor (the business or person who first extended you credit or loaned you money). A violation to the Fair Debt Collection Practices Act can result in a lawsuit against the debt-collection company and the person collecting the debt. The federal Fair Debt Collection Practices Act, or FDCPA (15 U.S.C. Tactics like those are against the rules of the FDCPA and are liable to get both their company and your company in trouble. Here's what to do if a bill collector uses abusive tactics. You can write to a debt collector to tell him not to contact you anymore.

All agency employees are then prohibited from contacting you, except to tell you that collection efforts have ended or that the collection agency or original creditor intends to sue you or take advantage of some other legal remedy. According to Experian, this typically occurs "within a few months of the original delinquency date." Foreclosures, or unpaid mortgages, can take much longer - and are dependent upon laws in the state they were issued. There are many agencies that will help you, however the majority will take a percentage of the amount you can afford and keep it themselves to cover their costs. Those limits include when they can call you, what they can say and what they can do to collect a debt. Unless you have asked collectors in writing to stop contacting you, they can also contact your spouse, your parents (if you are a minor), and your codebtors.

How To Buy A Debt Collection Definition On A Shoestring Budget

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The purpose of the Act is to abolish abusive activity in the collection of debts, to encourage fair debt collection, and to provide consumers with the opportunity to dispute and receive validation of debt information in order to ensure the information is

completely accurate. In contract dispute, it is court's duty to enforce contracts as they are written and in accordance with ordinary meaning of language used and overall intent and purpose of the parties. If you learn that you are in the clear, in this technological age, it's easy to record calls. How do they make so many calls? One way is by making new payments or entering into a new agreement to make payments after the statute of limitations has expired. Warning: You must establish a single point contacts for communication within the company and the collection agency debt collection practices, the timing of communication is very important and therefore go a long way to decide success. 370, affirmed as modified on other grounds 823 F.2d 880 Government established by preponderance of evidence that collection agency and many of its debt collectors, including some supervisors and managers in regional collection offices, used abusive, deceptive, and unfair debt collection practices in violation of the Fair Debt Collection Practices Act; evidence indicated that telephone calls were made to debtors before 8:00 a.m.

If you are receiving phone calls about someone else's debt, you are protected under the FDCPA. He noted that the calls were pre-recording a message demanding a return call. Make a copy of the letter and send it certified mail return receipt requested. You don't want to escalate your dispute into a full-on fight, and you certainly don't want a judge or jury looking at a ridiculous and thoughtless demand letter as evidence down the road. "While continuing efforts to collect debt may occur within 30-day validation period provided under Fair Debt Collection Practices Act (FDCPA), those efforts must terminate for at least that period from date validation demand is received by debt collector, within the 30-day period, until date that information demanded is provided to debtor. 1997), at 498, "The debt collector is perfectly free to sue within thirty days; he just must cease his efforts at collection during the interval between being asked for verification of the debt and mailing the verification to the debtor. Rabideau v. Management Adjustment Bureau, 805 F.Supp, 1086 (at 1092) states that "If the consumer

disputes the debt or requests, in writing, the name of the original creditor, then the collector must halt all collection efforts until it sends verification of the debt or the creditor's name to the consumer.

In Pennsylvania, this statute of limitations on collecting most commercial debts is four years, and applies to a person or company who later purchases the debt from the original creditor. The highest rates of garnishment are among workers who earn between \$25,000 and \$40,000, but the numbers are nearly as high for those who earn even less. 1525 Purpose of the Fair Debt Collection Practices Act was not to shield consumers from embarrassment and inconvenience which are natural consequences of debt collection. Regardless of the purpose of the debt, if it was discharged in bankruptcy, it is not taxable. 771 Broad remedial purpose of Fair Debt Collection Practices Act (FDCPA) is not concerned with intent of debt collector; its concern is with likely affect of various collection practices on mind of least sophisticated consumer. That provisions exempts government entities or officers from suit under the FDCPA provided that the debt collection was made in the performance of official duties. 1010 Fair Debt Collection Practices Act (FDCPA) is strict liability statute, and consumer need only show one violation of its provisions to establish FDCPA claim. The Fair Debt Collection Practices Act (FDCPA) prohibits debt collection agencies from harassing debtors and requires them to adhere to strict collection guidelines.

Wadlington v. Credit Acceptance Corp., C.A.6 (Mich.) 1996, 76 F.3d 103 Attorneys engaged in litigation were "debt collectors" subject to the Fair Debt Collection Practices Act (FDCPA) where they filed lawsuits on behalf of client to collect debts allegedly owed by consumers. See Brannan v. United Student Aid Funds, Inc., 94 F.3d 1260, 1263 (9th Cir.1996) cert. Barlett v. Heibl, 128 F.3d 497 (7th Cir. Most unsecured debts; such as credit cards, loans and overdrafts are regulated by the Consumer Credit Act, which allows them to be sold on at any point after you have stopped paying. Consumer Credit Protection Act, Section 809(b), as amended, 15 U.S.C.A. Shapiro and Meinhold v. Zartman, Colo.1992, 823 P.2d 120 "Debt collectors," for

purposes of Fair Debt Collection Practices Act, includes attorneys whose practices are limited to purely legal matters. Families with high debt are far less able to pay for their own children's college, build additions to their homes, buy new appliances, or start new businesses-the very types of things that power an economy forward.

What Is The Statute Of Limitations For A Creditor Suing To Collect A Debt In Pennsylvania How Much Credit Card Debt Do You Need For A Creditor To Sue You How Much Debt Must Be Accrued Before A Creditor With Sue