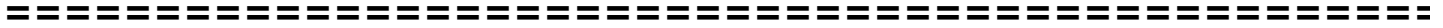


is it legal for debt collectors to demand more than you can afford to give them

Debt Collector
Legal Advice
Phoenix Az



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Fascinating Debt Collectors Using Fake Summons

Tactics That Can Help Your Business Grow

SRC:MixSentence,

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A call from the government saying that you owe money, for example, is going to freak you out a bit more than a call from a regular debt collector. To learn more about debt collection, check out this article from the FTC. This means that the debt collector can take part of your wages out of every paycheck until the debt is fully repaid. Any payment you send or offer to pay will "re-affirm" that you owe the debt and legally allow the collector to report the delinquent debt to your credit reports. You will also receive a Summons with the Complaint. Hardly anyone reads the Complaint filed

against them under the excuse that since it's a legal document, it must be impossible to understand. If you're past due on a debt and dealing with a debt collector, it's good to know what rights you have. It's for illustrative purposes only. While there are many, many debt collectors that do everything above board, there are also companies that try to bend the rules in order to get people to pay. This image of an Answer is merely a representation of what an Answer to the example Complaint posted above could look like.

A Summons is a document that acts like a cover sheet instructing you on what you are required to do in response to the lawsuit. A group of people may bring a class action lawsuit against a collector and recover 1 percent of the collector's net worth, or \$500,000, whichever is less. If the online bank is headquartered in a different state than the one where the creditor initially pursued legal action and obtained a judgment, the creditor may have to take additional steps to get a valid writ of garnishment where the bank is located.

Plaintiff has failed to state a claim upon which relief may be granted. When you allege that the statute of limitations has passed, you are telling the court that even if you do owe the plaintiff money, the time limit to file a lawsuit to collect the money has passed.

Affirmative defenses are defenses to the lawsuit that must be pled to be considered by the court. You can do a quick Google search for examples of more, but if you have even a colorable argument that the defense could apply in your case, you **MUST** assert it otherwise you may waive the defense, even if it could have meant the dismissal of the lawsuit against you.

To understand how you could possibly be responsible for debt assigned to your ex, you must rewind to the point in time when the credit account was opened. A creditor has to get a judgement against you and a court order to levy your bank account before money can be taken. But a creditor could obtain a bank account levy by going to court and getting a judgement against you, then asking the court to levy your account to collect if you don't pay that judgement. Use a personal check only if it comes from a separate account you've set up to pay the collector, or use your financial institution's

online bill pay service. Debt collectors may ask you to give them your checking account or debit card info to make it "easier" for you to pay your debt. Moreover, if the vehicle is resold and the resale proceeds is not sufficient to cover up the loan then you can be sued or you may have to pay the excess loan.

The debt buyer then attempts to collect on the purchased debt. The Federal Trade Commission (FTC) is responsible for enforcing the FDCPA and ensuring that creditors do not use abusive, unfair, or deceptive practices when they collect debts. Finally, the FDCPA sets forth simple situations where the debt collector has to stop communicating with you in general. The downside to hiring a lawyer is that it can be expensive and a lot of times you really only need to send a letter requesting that they stop contacting you. However, that doesn't stop lawyers, who often send form letters threatening a suit, even when it is a debt that can't be sued for. This is EXACTLY what debt collectors who buy up old debt expect you to do, and their entire business model relies on it. For example, you could organize your business as a separate business entity, such as an S-corporation, and maintain separate bank accounts for business and personal funds.

One Word: Debt Collection Definition

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Once you have informed them, they can no longer contact you at work. And even if the FDCPA doesn't apply or wasn't violated for one reason for another, the collector or someone else in the account chain may have violated other rights of yours, for example, the account could be improperly credit reported in violation of the FAIR CREDIT REPORTING ACT or taking electronic payments illegally in violation of the ELECTRONIC FUND TRANSFER ACT. Collectors cannot contact anyone other than you, your attorney, your spouse or someone who has a legal right to make decisions for you (such as a parent, if you're a minor) except to gather information about how to contact you.

No law or any rule gives these debt collectors, the right to arrest you for not paying the outstanding debts. Also, creditors are required by law to attach a copy of the account or written contract to the complaint, or else explain in the complaint why it is not attached. This is essentially a dispute letter that prompts the bill collector to send you proof of debt in the form of a complete payment history, a copy of the initial loan agreement or credit card application, and proof that the company contacting you actually owns the debt or has been assigned the debt.

A credit repair specialist/company gets your credit report from the credit bureaus and reviews each copy. Is not allowed to report it to the credit bureaus. They aren't allowed to mention that they're collecting a debt, and they are usually only allowed to contact these people one time. Depending on the laws of your particular state, they also cannot threaten you that you will be arrested or your wage will be garnished if you do not pay money within stipulated time period. Check with your state's laws to find out what debt collectors are allowed to charge you for in your state, and if the state has any limits on how much they can charge. And if you send them a postdated check because you're planning to pay later in the month, they're not allowed to deposit it ahead of time. Time and place - Debt collectors can't contact you before 8 a.m. The Truth: Under the Fair Debt Collection Practices Act, bill collectors can't legally threaten to take you to court if they have no intention of doing so.

It's not always easy to separate truth from fiction when it comes to aggressive bill collectors. Under Section 809 of the Fair Debt Collection Practices Act, you have the right to send a bill collector a "debt validation" letter requesting more information about the debt you are being told is still outstanding. Since your name and Social Security number are the ones tied to the debt, this still means you are responsible. In a CFPB survey from 2017, just 1% of consumers said their preferred method of contact from creditors or collectors was text or social media. Consumers should be wary and not click on links or open unsolicited attachments, no matter who is contacting them, she said. Is contacting

my employer off-limits? Debt collectors are entitled to contact your employer with some limitations. However, there are limitations to what a debt collector is permitted (and required) to say to a third party. However, the written agreement (the IOU) is subject to a statute of limitations. On the other hand, under the Fair Debt Collection Practices Act, a collector must cease all communication with you, subject to a few exceptions, if you send it a written request. The collector must show written proof of the financial obligation if you request it. Here the debtors must keep a record of their letter. What can I do to keep debt collectors from contacting my boss? It is a good idea to keep a file of all letters or documents a debt collector sends you and copies of anything you send to a debt collector. They will be able to list a default on the customers' credit history (if they are a company or a business), file the required legal documents with the courts on your behalf and then represent you in court. Then pay what you owe from what you have left, but don't tolerate abuse. Your Response: Tell the collector that you've done your research and you know that people don't go to prison for falling behind on a payment. If a debt collector tells you "I don't have to prove anything! Often, when you ask for validation, the debt collector will simply stop trying to collect the debt because it can't validate it.

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Attorney Bergen County What Type Of Attorney Fight
Debt Collectors