

can i sue a debt collector

What To Do If Being Sued By Debt Collector



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What Everybody Ought To Know About What Is Considered Harassment From A Debt Collector
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Additionally, you have the option of suing a debt collection agency in state court or small claims court. They must identify themselves and state that they are confirming your contact information or looking for correct contact information. Attorneys usually offer free consultations, and if you are low-income, you can get low cost or free help through your local Legal Aid. In addition to checking what's reported about you at the three major credit reporting agencies for free once a year, you can get free reports about yourself from some other national consumer reporting agencies, if they have data about you. If the statute of limitations

hasn't expired, you may want to negotiate a settlement rather than risk a lawsuit, contact a Fair Debt Collection Lawyer today for a free consultation. Junk debt buyers often press for payment of some small amount, just to bring the debt back under the statute of limitations.

WARNING! Payment can revive the statute of limitations, which was up prior to this activity, and lead to a lawsuit. Use a method of payment that gives you proof of payment, such as a cheque or internet bank transfer.

Recovering even a small payment from debtors on these old debts (also know as "zombie debts" or "time barred debts") can make collection efforts profitable. If the consumer cannot make that payment, their last resort is to file a lawsuit before the debt expires. That's because in the majority of cases lawsuits are filed as a simple form of harassment, without the necessary documentation to back that lawsuit up. The debt collector will generally attempt to collect the debt for several weeks or even several months before going to the time and expense of filing a lawsuit. Also, a junk debt may be passed to more than one agency to collect at the same time. The only third party with whom a collector can discuss your debt is your attorney (if you have one). In fact, as an almost unbelievable example of this, a few years ago Capital One Bank admitted to trying to collect on about 15,500 debts, totaling more than \$24 million of debt, that had been discharged earlier in bankruptcy. Sending a letter to a debt collector that you actually owe money will not get rid of this debt, however.

If a collector doesn't give you this information, send him a letter within 30 days of receiving a written notice of the debt. Other examples include the pasting of the notice of collection onto the walls or the hanging of a banner at the debtor's workplace. Consumers can ask for more information about a debt or dispute debts they believe are in error, but they have only a 30-day window to do this after they receive a written notice from the debt collector. Second, do not give any personal or financial information until you confirm that you are dealing with a real debt collector. They start with the information provided by their customer -- the

lender or company to whom the money was originally owed. Also, keep an eye on the company by speaking with them at least once a week and double-checking with creditors. A "debt collector" covered by the Act includes any company whose ordinary and regular business is the collection of another entity's delinquent accounts, and includes the collection company's employees. When you sue a debt collector for violating your rights under the collection laws, you can collect money if you win. Companies do not actually have to go to court to prove the debt is uncollectible and they can still try to collect the debt at a later date. Then they can contact your family members. They can also only contact family members or friends once. The Fair Debt Collections Practices Act states that debt collectors can only contact family members, friends, or co-workers to find your location. If you are being contacted about an old zombie debt, contact a debt help lawyer immediately. Old accounts once thought to be uncollectible are now considered to be of great value. WARNING! It does not improve a credit score to settle an old debt unless the item is completely deleted (not just reported as "paid in full"). A calling debt collector must tell you his or her identity and cannot cause you to incur expenses such as charges for long distance telephone calls. Debt collectors are not allowed to tell family members that you owe any debt. Most debts in Ontario and Alberta are subject to a limitation period of two years. Years ago most consumers with old defaulted debts stopped worrying after several years. When Bartmann, who is now president of the Center for Consumer Recovery, gathered information about me, he was tapping into just a few of the many databases that collect and sell information about consumers.

Fair Debt Collection Practices Act Guide

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What if you just did not pay, and did nothing after that?

Some people may feel that doing nothing is better than

filing for bankruptcy, and there are many times I will agree. To most people this is quite a worry since they start to imagine big shaven-headed blokes knocking on the door to take away their TV or car. Chapter 7 could cost you less than 2k from start to finish (I have seen costs less than 1300). You are able to discharge those credit card debts (and other bills), and once discharged, you remove any and all risk of being sued, or any type of bank levy, garnishment, and property liens. It is important to remember that you have what they want, and that's money. So, for example, if you keep getting hounded by a debt collector who's calling for someone you don't know, that's against the law. That's where Lemberg Law comes in. Contact the credit bureau when a debt comes back "verified" and ask how this was done. Similar to a collection agency, a debt repayment agency may not charge any fee for a dishonoured cheque unless the fee was included in the repayment agreement. A Debt Collection Agency is allowed to charge the debtor an interest, if that is its policy.

Telling others. Collectors are not allowed to tell your friends, family or co-workers about your debts and use them to press you to make a payment. And just like there are state exemption laws that protect you from debt collectors, there are state exemptions for what you are allowed to keep in a chapter 7 bankruptcy. While a debt collector can call you at work, they can't harass you. Call your family, friends, co-workers, or anyone else to discuss the debt. Every day, we go toe-to-toe with the bad players in the debt collection industry. Such are the Fair Debt Collection Practices Act for U.S., the OFT Debt Collection Guidance (Office of Fair Trading) for UK & Wales, the Debt Collection Improvement Act of 1996 for U.S., the Code of Civil Procedure for Germany and Austria (Zivilprozessordnung), etc. For countries, which are part of the EU, there are international acts applicable: the ESCP (European Small Claims Court Procedure), the European Order for Payment- EOP, the European Enforcement Order- EEO, etc. In Australia the Australian Securities and Investments Commission is also a valid regulator for debt collectors' actions.

According to debt collections law in different countries, a standard debt collector CANNOT perform seizure of property. If yes, read through the credit counseling section of my debt relief guide. If you are not making monthly payments to your credit cards, and saving up all the money you can instead, how long would it take you to pool together about half of your credit card totals? We will keep adding topics as new problems arise and are brought to our attention. If you did not reaffirm your home mortgage loans in Chapter 7 but are current and plan to keep your property, just continue to make your house payments on time. This monthly payment is usually lower than current credit card payments. If your answer is less than 24 months, settling these credit card bills may be the answer to avoid bankruptcy. If your stuff is valued at more than the exemptions in your state, you may look to a chapter 13 bankruptcy where you repay some, or all of the debt, over probably 5 years. It is important to note that "anything done by a person which is reasonable" when trying to recover a debt, is not considered to be harassment.

Once you file for bankruptcy, all collector harassment must cease IMMEDIATELY! An attorney could help you write a formal defense, file it with the court clerk, help you identify if you have a valid defense, and, most importantly, represent you in court if it were necessary. Need some personalized help? When you're ready to fight back, you need an attorney by your side who has deep knowledge of the FDCPA and TCPA, and who has vast experience in holding debt collection agencies and creditors accountable. Use that as a beginning guide to how much money you will need to settle with your banks. Your credit card debts can be settle for less than what you owe once they reach a certain level of delinquency. Most people go bankrupt because of the unsecured debts such as student loans, personal loans, medical bills or credit card loans. But when it comes to people having to consider chapter 13, I have often found those folks to be the best candidates for settling the debts for less instead. Settling with the right creditors early can limit your risk of bank levy and property liens.

Can Debt Collector Sue Me Even No Baddies On Credit
Report How Long Before Debt Collectors Can Sue You
What To Do If Debt Collector Sues You In Court