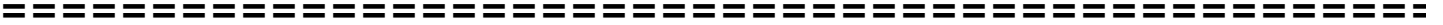


**debt collector by attorneys at law**

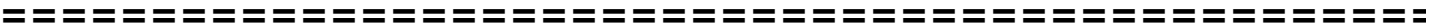
What Other  
Attorneys Think  
About Debt  
Collectors



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Enthusiastic about Debt Collector Harassment Lawsuit?

10 Reasons why It is time to Stop!

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If a new creditor buys the debt from your original creditor, that new creditor can be deemed a debt collector if they bought the debt after the account was already in default. That means that the original creditor is not a collector for purposes of this law. Any person or company that takes on collecting a delinquent debt for the creditor is a debt collector. As for the debt they are calling about, this not issue since the delinquent or past due debts are not yours and neither is this creditor. Therefore, a collector should give you a name (though many do use aliases to protect their identity and this is

legal) and the name of the company they are calling you from. Identity theft is a crime in which another person steals your name, social security number, or other personal identification information and then opens credit accounts, uses your existing credit accounts, or uses your identity to obtain other benefits. A collector must make meaningful disclosure of their identity. Therefore, the debt collector would be violating the law if they ignored a request, such as no calling on Sunday or if you advise them you work a night shift and sleep certain day hours. In addition, when a consumer receives a message from a co-worker or family member, that person typically asks "do you know what they were calling about? That is all they can do, and they can only call a person once."<sup>21</sup> In Alaska a trustor may invoke the personal defenses of fraud and misrepresentation to invalidate a foreclosure sale;<sup>22</sup> a foreclosure sale contract may be modified based on mutual mistake;<sup>23</sup> procedural or substantive inequities surrounding the foreclosure process may invalidate the sale;<sup>24</sup> a trustee may not act inimically to a trustor's interests;<sup>25</sup> a trustor by statute can "bring an action . While there are plenty of tactics that debt collectors can legally employ to try to collect the money you owe, they must comply with the restrictions imposed by the FDCPA or they may face legal consequences.

Collections agencies can (and often will) sue you for the outstanding debt that you owe, demand repayment or seek a court judgment that forces you to deal with the debt on their timeline and their terms. The consumer can sue for damages and for attorney fees, according to the FDCPA. Can a debt collector threaten to sue me or garnish my wages? Government, no collection agency can garnish your wages unless they have a judgment against you. Therefore, if a collector is threatening to immediately garnish your wages and you have not even been sued yet, then such a threat is improper. This prevents the collector from keeping a default judgment a secret until you can no longer contest it. These fees lead to more money trouble, often creating debt that can last months or even years. But sometimes, unforeseen circumstances such as the loss of a job or

an unexpected hospitalization lead to debt that is more than a family can handle. Yes. Though a payday lender would rather squeeze the money out of you directly, it can and will turn to third-party collection agencies, often very quickly - sometimes within 30 days of your missed payment deadline.

Here, you can learn about the illegal tactics and dirty tricks debt collection agencies use to put the squeeze on you, and how you can fight back. A debt collector can solicit a post dated check. Can a debt collector get a post dated check from me? Also, if the check is post dated by more than 5 days, they must give you written notice of their intent to deposit the check at least 3 days before it is deposited. For more articles about personal finance and money issues, try the next page. Don't provide personal information even if collectors attempt to scare you into paying, threaten to have you arrested, or pose as a government official. 1) You are sending very private personal and financial information over an unsecured phone line (via fax). A debt collector can make a call to a family member, friend, relative, or neighbor in order to seek your location information.

Top Fair Debt Collection Practices Act Secrets

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After filing, a debt collector that contacts you by phone or mail is violating federal bankruptcy law and federal consumer protection law known as the Fair Debt Collection Practices Act ("FDCPA"). When a debt collector or creditor robocalls your cell phone using an automated dialer or a pre-recorded voice, they're likely violating your rights. Or if a creditor robocalls your cell phone multiple times. Under the law, you can sue in federal court and recover up to \$1,000 for debt collection abuse, and up to \$1,500 per call for cell phone robocalls. And when your financial past comes back to haunt you, it can be anywhere between a headache and a nightmare, depending on your financial situation. 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. Some folks with too many bills, and not enough income and assets (like limited to social security), will stop making payments all together, and wait for whatever comes.

You have to qualify for chapter 7 bankruptcy using an income means test specific to your state. If sued, and a court judgment entered, they already know they are not at risk because; their car and other personal belongings are protected by state law; they are not working in order to be garnished; wages are low enough in their state to be protected; live in a state where wage garnishment is not allowed; and funds like social security that are exempt are the only moneys deposited into their bank account. Settling with the right creditors early can limit your risk of bank levy and property liens. You will make an extraordinary mark can go to get the traditional methods. They will always try to get you to pay up right then and there. If you cannot pay your debts, creditors and debt collectors have a number of ways to try to collect on debts you may owe them.

The Court also points out that the Schroyer Court held "the legislative history hardly makes clear that attorneys who collect debts occasionally and small firms that collect debts incidentally to their general law practices are 'debt collectors' under the FDCPA".

"Common counts" are causes of action (legal claims) that are used to collect a debt. These debts include any obligation or alleged obligation to pay money arising out of a transaction in which the money, property, insurance or services are primarily for personal, family, or household purposes. Every day, debt collectors coerce, intimidate, threaten, and harass consumers into paying money they may or may not owe. Debt collectors that violate the FDCPA must pay your attorney fees and costs. 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. Knowledge is power. When you understand what debt collectors and creditors can and cannot do under the FDCPA and TCPA, you can make

them pay you.

But, you can be pretty sure that creditors and debt collectors aren't going to cut you a break when you ignore them. A debt recovery agency can send as many written reminders, as needed, or according to DCA's policy. A Debt Collection Agency is allowed to charge the debtor an interest, if that is its policy. A creditor is NOT allowed to charge the debtor a fee as a debt collection agency, as according to the Fair Debt Collection Practices Act and the Office of Fair Trading, such action describes the creditor as a first-party DCA. Just like the ability to charge interest, collection agencies also possess the right to add their own fees to your unpaid balance if the original creditor's contract included a provision for collection fees - which almost every new credit card agreement does. Examples of debts that fall within the FDCPA include personal credit card debts, car loans, medical bills, and home mortgages. However, this is typically a last resort for consumers who have high credit card debt and won't benefit from other debt repayment options. Finally, if the harassing telephone calls won't let you have any peace, you can send a letter asking them to stop calling you.

Attorneys For Debt Collectors In Middlesex County  
Attorney For Debt Collectors Company Sells Debt To  
Debt Collector Which Sells It To A Lawyer