

The following sections provide example forms of notices.

Each letter should contain the layout illustrated in Figure 1. Examples for the body of the letter can be chosen from Sections IV, V, or VI. Choose the body that best fits your situation.

Figure 1.

Date
Name of Collector
Address of Collector
RE: (Your full name) (Your account or file number)
Dear (Person who contacted you): (Body of letter from examples)
Very truly yours, (Your name and signature) (Your return address)

IV. Example of letter for notice that you are represented by an attorney.

Pursuant to 15 U.S.C. §1692(c) of the Fair Debt Collection Practices Act, you should consider this letter as formal notice that I am represented by an attorney. My attorney's name, address and telephone number are as follows: (insert information regarding your attorney here).
I hereby request that all future contact regarding this matter be sent to my attorney. I request that you have no further direct contact with me.

V. Example of letter for notice that you cannot receive collector calls at work.

Pursuant to 15 U.S.C. §1692(c) of the Fair Debt Collection Practices Act, please consider this letter as formal notice that I cannot receive debt collector calls at my place of employment. You are hereby notified that my employer prohibits me from receiving such communications at work.
--

VI. Example of letter requesting cease of communication.

This request may be because you refuse to pay the debt or because you wish the debt collector to cease further communications with you.

Example 1

Pursuant to 15 U.S.C. §1692(c) of the Fair Debt Collection Practices Act, please consider this letter as formal notice that I refuse to pay the alleged debt. You are directed to cease any further communications with me on this debt.
--

Example 2

Pursuant to 15 U.S.C. §1692(c) of the Fair Debt Collection Practices Act, you are notified that I wish you to cease further communications with me. I direct that you have no further contact with me on this debt.

REMEMBER: IF YOU HAVE QUESTIONS, IT IS ALWAYS BEST TO SEEK LEGAL ADVICE FROM AN ATTORNEY.

LEGAL SERVICES OF SOUTHERN MISSOURI

Branch Offices:

1412 Highway 72 East • Rolla, Missouri 65402
(573) 341-3655 • 1-800-999-0249

or

116 North Main Street • Charleston, Missouri 63834
(573) 683-3783 • 1-800-748-7456

THIS BROCHURE WAS PREPARED AS A PUBLIC SERVICE BY ATTORNEYS LICENSED IN MISSOURI, BASED ON THE LAW AS IT WAS WRITTEN IN JANUARY, 2009. IT IS NOT INTENDED TO BE A COMPLETE STATEMENT OF THE LAW OR TO APPLY IN EVERY SITUATION. LAWS CHANGE FROM TIME TO TIME. PLEASE CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS ABOUT ANY INFORMATION IN THIS BROCHURE.



DEALING WITH DEBT COLLECTORS



Legal Services of Southern Missouri
809 N. Campbell Ave.
Springfield, MO 65802

(417) 881-1397
1-800-444-4863

In 1977, the United States Congress passed the "Fair Debt Collection Practices Act." Congress said there were abusive actions being taken by many debt collectors. Congress found that these practices invaded privacy. The following information is provided to help you know your rights.*

I. What rights are available under this law?

☞ How can a collector contact me?

When trying to contact you, the collector should not tell other people you owe a debt. Envelopes should not indicate they relate to the collection of a debt. After the debt collector knows you are represented by an attorney, he should not communicate with you or any other person except your attorney. You should provide him with your attorney's name, address, and telephone number. If the attorney does not respond to his inquiry, the debt collector can contact you again.

☞ Where and when can a collector contact me?

Unless the collector has your permission or a court's permission, the collector should not communicate with you at any unusual time or place. He should not communicate with you under conditions that he would know are inconvenient to you. It is assumed that the convenient time for communicating with you is after 8 a.m. and before 9 p.m.

☞ Can a collector call me at work?

The collector should not communicate with you at your place of employment if he knows or has reason to know that your employer prohibits such calls.

☞ Can I ask a collector to stop calling me?

If you notify the collector in writing that you refuse to pay a debt or that you want the collector to stop contacting you, the collector should not contact you further. The collector could still notify you to indicate that further legal action would be taken on the debt.

☞ Should the collector contact me in writing?

After contacting you about a

debt, the collector is required to send a written notice to you. The notice should summarize the debt and give you 30 days to notify the collector that the debt is disputed. If you notify the collector within 30 days that the debt is disputed, the collector is supposed to halt collection activity until additional information is provided.

☞ **Can a collector threaten me?** The collector may not harass or abuse you. Examples of abuse in the law include: threats of harm to you or your reputation, use of obscene or profane language, and contacting you by telephone repeatedly to annoy or harass you. These are only examples of harassment and the law does not limit what is harassment.

Also, the collector is not allowed to be false or misleading. The collector may not falsely imply that regular forms are legal forms.

☞ Can a collector garnish my wages?

Yes. However, the collector cannot threaten to take action that cannot be taken legally. The creditor would have to sue the person first and obtain judgment from a court before a garnishment on wages could begin. For example, some collectors have threatened that a person's wages would be garnished the next day if the person did not pay on the debt. Such action cannot be taken unless a court has ruled the debt valid and entered judgment.

☞ Can a collector garnish my Social Security?

No. Some collectors have said they would garnish social security benefits or disability benefits when this action could not be taken under the law.

☞ Can a collector take my property?

The collector may not use unfair practices such as saying he would take property from you without a lawful right to take the property.

☞ Can a collector ask for post dated checks?

There are many restrictions on post

*The Fair Debt Collection Practices Act does not apply to original creditors collecting a debt on their own behalf.

dated checks. If the collector takes a check post dated by more than five days, the collector must notify you in writing of his intent to deposit the check. You must receive this notice at least 3 days and not more than 10 days before the deposit. The collector cannot deposit or threaten to deposit a post dated check before the date on the check.

II. What rights do I have if the collector does not follow the law?

☞ The law provides for recovery of actual damages and additional damages. You can also receive payment of attorney's fees.

III. How do I provide notice to debt collectors?

☞ It is recommended that you provide debt collectors with written notice of your rights under this law. Letters addressed to collectors should have their address on the letter. You should address the letter to the person who contacted you. You should put your name and account number in the letter. Many collectors will have several people with the same or similar names. You should make a copy of your letter. You should write on your copy the date the letter was sent. You should send your letter by certified mail, return receipt requested. When you get back the return on the certified mail, you should staple the return to the letter.

