

# Can You Sue A Collection Agency For Harassment

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I don't think this is fair considering the majority of the enrollees are already struggling. FDCPA, otherwise known as the Fair Debts Collection Practices Act and Debt Restructuring model, is easily the most popular option among debt settlement affiliates. This is what the credit card companies dub "fair share". Most debts are delinquent unsecured debts that have been charged off by the original creditor such as credit card debt, medical debts, and personal loans. There's no face to face contact, yet the debt settlement franchise can still earn money up front through the drafts that will naturally happen over the payment of a debt, as well as the back end as a percentage of the savings. It can be a great program that creates considerable leverage, one that's ideal if the debt settlement franchise is pitching against another company. When you enroll in a debt management program, every one of your accounts on your credit report reads like this: DEBTOR IS CURRENTLY ENROLLED IN C.C.C.S. In this model, no one pays a cent until an agreement is mutually reached. In this model, the attorney or staff member must face to face with the client. Generally, a debt settlement franchise will offer three types of services to debt settlement affiliates, including FDCPA, the attorney model, and the performance model.

For example in some states only 15% of the wages can be garnished. It is predicted that from 2011 to 2013, approximately 5-7 million more foreclosures will be filed in the United States. While it's true that if enough time passes, the debt collector will be unable to sue you in court for the money you owe, but that doesn't mean you're home free. If you're here then the odds are you've had issues with a collection agency at some time or another. Contact the collection agency as soon as you receive notice that you owe an outstanding debt. A debt collector may not contact you at inconvenient times or places, such as before 8 in the morning or after 9 at night, unless you agree to it. It may be trickier than you think. Often, a neighbor in the old neighborhood may keep in touch with your subject well enough that he has information on his current whereabouts. State laws may vary from federal law in wage garnishment and whichever law that results in lesser amount to be garnished from your wages has to be executed.

The easiest way to identify if a debt collector is legitimate is to request a validation letter to be sent by mail before making payment or engaging with the caller further. 1. Make sure the debt is accurate. For example, tell the debt collector that you cannot afford to make a payment this month but you are willing to provide an update next month. So make sure you know the law for your state and ask for verification of the debt instead of acknowledging it. On the other hand, when a business owes your company outstanding payments, the process involves commercial debt collection. Debt collection involves complying with various federal and state laws. However, to meaningfully impact debt numbers overall, "jubilee" needs to be implemented on a larger scale. If possible, pay with a cashier's check or a money order in order to preserve the privacy of your account numbers. Although national and international regulations vary depending on debtor's place of abode, there are standard and universally accepted legal and ethical practices in order a legitimate debt collection process to be carried out.

A person while attempting to collect a debt on behalf of a creditor, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for creditors to whom it is so related or affiliated and if the principal business of the person is not the collection of debts. Voicemails are an important piece of evidence to have if you end up suing the debt collector. By debt collectors.-It shall constitute an unfair or deceptive debt collection act or practice under this act if a debt collector violates any of the provisions of the Fair Debt Collection Practices Act (Public Law 95-109, 15 U.S.C. The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of section 1681a(f) or 1681b(a)(3) of the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. Persons included within this subparagraph shall be considered creditors and not debt collectors for purposes of this act. Debt collectors are prohibited from sharing the consumer's information with any third parties without express written consent from the consumer or her attorney, except to obtain certain limited information.

Ensure that the debt collector agrees to report the updated status of the loan to the credit reporting agencies. The credit bureaus will then conduct an investigation to determine the status of the debt. The best thing to do when confronted with a debt collector who is being rude or unprofessional is to call us; we can go over the collectors' conduct and determine whether or not they are being just "unprofessional" or unlawful. This implies that if debt collectors violate the Act, they will be held liable for the same. Also, debt collectors can call employers to find a consumer who owes money, but the collector can only ask whether or not a consumer works there and for the consumer's home phone number and address.

According to the Federal Trade Commission, collectors must abide by your wishes upon request. In addition to federal laws regarding debt collection calls, many states also have debt collection laws that provide consumers even more protection from workplace phone calls and other debt collection practices. Debt collectors are not allowed to make threats about things they know they're banned from doing, so even threatening to talk to your boss or someone at your workplace means that they're breaching laws and you should report them.

Carrying a credit utilization ratio over 30 percent on a consistent basis is a major red flag that you need to reevaluate your debt situation. Debt collection companies buyout credit card debt and unpaid loans from banks and other lenders, and then try to collect the debt from you in order to turn a profit. This includes collection agencies, lawyers who collect debts on a regular basis, and companies that buy unpaid debts and then try to collect them. Other examples include the pasting of the notice of collection onto the walls or the hanging of a banner at the debtor's workplace. Furthermore, please consider this as formal notice of a potential claim pursuant to any applicable contractual clauses, as well as a claim for the benefits under any applicable state and/or federal open account and prompt payment laws. When a debt collector calls you, you should find out what account they are calling about and the balance. Send the debt collector a letter disputing it within 30 days of the debt collector's initial contact with you. Some attorneys will send a demand letter for a flat fee of \$100-\$500, others will charge you hourly and require a full retainer.

23. The foregoing acts and omissions were undertaken by the Defendant and its representatives, employees and / or agents as part of a campaign of abusive and unlawful collection tactics directed at the Plaintiff. 3. Venue is proper in this District because the acts and transactions occurred here, the Plaintiff resides here, and the Defendant transacts business here. 4. Plaintiff, Debra Fogle, is a natural person who resides in the City of Colorado Springs, County of El Paso, State of Colorado, and is a "consumer" as that term is defined by 15 U.S.C. Sometimes a debt collector contacts family or friends in an attempt to collect a debt from a consumer. In particular, the complaint is the document where the debt collector makes its allegations against the consumer. 6. Sometime before January 2006, the Plaintiff incurred a financial obligation that was primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. 5. Defendant, Valentine & Kebartas, Inc., is a Massachusetts corporation and a collection agency operating from an address at 15 Union Street, Lawrence, Massachusetts, 01840, and is a "debt collector" as that term is defined by 15 U.S.C.

In addition to phone calls, debt collectors can only visit your home to speak to face to face between 9:00 am-9:00 pm on weekdays and weekends. Record the date and time of all phone calls and keep all written correspondence. Once a debt goes to collections it won't just go away - your creditor will just keep assigning it to different agencies and using different tactics to force you to pay. Many don't, but will pass the matter along to a collection agency, one who will then seek a judgement. No, the only people who can sue in Ontario courts are lawyers, paralegals, and people representing themselves - meaning, if a creditor has the time and resources, they could choose to sue you. They can be sued also and they know it because its on the collectors FDCPA test they have to take in order to get the job. DebtCare Canada can help you find a solution to your financial problem and get a wage garnishment lifted before it does more damage. That can be hard to overcome.

### Give Me 10 Minutes, I'll Give You The Truth About Debt Collector Harassment Stories

In this type of case, the real violation is ignoring a court order. This type of violation usually results in up to six months of jail time. It usually takes about six months of not making payments on a debt before you can be sued. What Should I Do if I've Been Sued for Debt? According to the FDCPA, any collection letter that comes from an attorney must accurately describe the attorney's role in the debt collection and what consequences will result if the consumer does not make a payment. "I had the pleasure of dealing with Consumer Rights Law Firm PLLC on 2 different occasions the staff were very courteous and helpful and they were familiar with the Collection Agency's in question and the harassment calls stop, I was even compensated. Wondering how far past due your bill must be before it will get turned over to a collection agency?"

If you receive a call and you're not sure whether or not the person on the other end of the line actually works for the IRS, then the best thing you can do is request that they send you official written notification and documentation of the money you owe, telling them that you'll need this as proof before you're willing to pay up. No matter what they say, your best option is to simply hang up the phone, then write down the number you received the call from, and report it via the IRS scam reporting website. Typically, the debt collection company's name and address will appear on your credit report in the inquiries section. Document the name of the bailiffs, the name of the collection agencies, address, telephone number, date and time of all communication. Scammers May Seem Legitimate - The person who calls you may claim to have an IRS badge ID number, an official IRS email, or some other seemingly legitimate connection to the Internal Revenue Service (like official looking letterhead on emailed documents), but you'll need to see through their ruse, and identify that you're not dealing with the actual IRS. If you get a phone call out of the blue from someone claiming to be with the IRS, you can rest assured that you're dealing with a scammer.

Any contact it makes with you (except for the statutory requirement letter ) after that date, is a violation of the FDCPA. If you are contacted by a debt collector, and you do not believe you owe the money, you should write a letter to them. You are not alone in your fear of phone calls from debt collectors. A group

of people also may sue a debt collector and recover money for damages up to \$500,000, or one percent of the collectors net worth, whichever is less. Just because a debt collector has a judgment against you is not entitled to collect money from your spouse. One can't help but wonder if that position represents a nod and a wink to the debt collector, encouraging him to go to whatever lengths are necessary to collect on the ticket. Perhaps one of the most popular forms of debt management program available today is debt consolidation loan. So when should you consider seeking out a debt consolidation loan or refinance?

#### 7 Actionable Tips about Can A Debt Collector Sue Me And Twitter.

They want to get paid and they are a real company, so why would they hide their name? If someone calls us and will only send us emails or faxes, then they're not part of a real company. It is also illegal for a collection agency to continue to phone someone after that person has told the agency that they have the wrong individual, unless the agency has found evidence that they do indeed have the right person. However, they turn out to be people who are making threatening phone calls on a prepaid cell phone, and not a legitimate collection company. If you answered yes to these questions, call the debt collector and work it out. In any case, you are protected from harassing debt collector calls by both the bankruptcy code and the FDCPA. But if it is a legitimate company who is harassing you, then we sue them. Lots of "legitimate" companies out there that are real businesses that are really harassing consumers.

Nofziger told NBC News that some people pay off debts just to stop the calls, even though they don't believe they truly owe the money. Threatening to take away children: Last week, the Federal Trade Commission shut down a Texas-based debt collector, Goldman Schwartz, for using deceptive and abusive scare tactics to force people to pay their payday loan debts. It is thus no surprise that complaints to the Federal Trade Commission (FTC) based on the actions of abusive collectors have been on the increase. In recent years, there has been a tremendous increase in California debt collector harassment complaints. If the debt collector sues you and wins the lawsuit, or you fail to respond thus losing by default, the court will enter a judgment against you. Since fake summons never make their way to the growing collection of paperwork delivered to the court, then it makes sense why checking with the court is one of the most efficient options available.

#### Revolutionize Your Fair Debt Collection Practices Act With These Simple-peasy Tips

Credit card companies typically do not want to pay the cost of a trial, so consider settling for a lesser amount outside of court. These people are only concerned with informing debtors of their financial obligations and encouraging them to pay. Normally, after 6 months, people withdraw all of their money from their PayPal account. If you say "yes," that you want to try to keep your PayPal account then the answer is simple. If you say "no," you do not want to use PayPal anymore then the answer is also simple. What I got was directed to twentysomething staff who knew nothing and then the HAIFAX withdrew my current account - the chequebook - the switchcard - left me without a penny for that fortnight - and let me go hang. Attempting to sign up for more accounts will lead to certain account limitations on all of your accounts. That way, when you contact PayPal, you will know if they are playing games with you or not (PayPal often claims to "have not received your documentation."). PayPal will match up the information you have given them with any information that you use to try to open up another account.