Your Name

Your Address

City, State Zip

Non-cooperative Collection Agency

1 E. IWantToBeSued

Colorado Springs, CO 80901-1120

Date: Nov 1, 2002

Re: Acct#’s 212487, 5904602, 5904602, 5903026, 10010019

To Whom It May Concern:

I have previously sent you a request to validate my debt under the Fair Debt Collection Practices Act and all I received was an itemized list of the alleged charges you claim I owe you. This does not meet the Federal Trade Commissions guidelines of what constitutes proper debt validation. I am attaching an opinion letter from the FTC, (the Lefevre-Wollman) letter, specifically addressing the kind of “documentation” you have sent me.

In addition, in the case of Spears Vs. Brennan (IN THE COURT OF APPEALS OF INDIANA, No. 49A02-0003-CV-169), the court ruled that:

15 U.S.C. § 1692g(b) (emphasis added). On November 12, 1996, nineteen days after the date of Brennan’s debt collection letter, Spears’ counsel Shepard sent Brennan a letter declaring that Spears “disputes your debt collection-related allegations, denies the same, and demands strict proof and verification thereof.” Record at

1. As such, Brennan should have ceased his debt collection efforts immediately upon receiving that letter. Instead, Brennan proceeded to obtain a default judgment against Spears on the debt collection claim before he had mailed Spears the necessary verification and, thus, violated 15 U.S.C. § 1692g(b).

Brennan maintains, however, that there was no violation of the FDCPA because he “sent adequate verification of the debt [to Spears] in the October 30, 1996 notice of claim.” Brief of Appellee at 13. Specifically, Brennan claims that a copy of the consumer credit contract between Spears and American General attached to the notice of claim provided sufficient verification of the debt within the meaning of 15 U.S.C. § 1692g(b). We cannot agree.

The contract in no way provides sufficient verification of the debt. A review of the document reveals that it identifies only the terms of Spears’ loan, including a 17.99% annual interest rate and the original loan amount of $2,561.59. The loan agreement contains no accounting of any payments made by Spears, the dates on which those payments were made, the interest which had accrued, or any late fees which had been assessed once Spears stopped making the required payments. Indeed, the existing unpaid contract balance at the time Brennan sent the debt collection notice was at least $350.00 more than the original loan amount. Therefore, Brennan violated 15 U.S.C. § 1692g(b) when he failed to cease collection of the debt by obtaining a default judgment against Spears after Spears had notified Brennan in writing that he was disputing the debt but before Brennan had mailed verification of the debt to Spears. We reverse the trial court’s entry of summary judgment in favor of Brennan on this issue.

I notice that you are still reporting this collection on my credit report, which is considered to be a collection activity. You are now in violation of the FCPDA, and are now subject to fines of $1000, plus actual damages and attorney’s fees, which I may collect from you by filing a claim in small claims court. These collections on my credit report are causing me severe problems in trying to purchase a home and the damage could lead into the $1000’s. I am also attaching an opinion letter from the FTC on the illegal practice of continuing to report these collections on my credit report without proper validation (Lefevre-Cass letter).

You should also be aware that reporting such invalidated information to major credit bureaus might constitute defamation of character, as the negative marks on my credit report harm my credit and prevent me from enjoying all the benefits of good credit. In addition, the Fair Credit Reporting Act (FCRA) does not allow the inaccurate reporting of information on my credit report and under this act. Therefore, if you do not immediately remove this account from my credit report, you are subject to another $1000 fine, plus punitive damages. I'm sure your legal staff will agree that non-compliance with this request could put your company in serious legal trouble with the FTC and other state or federal agencies.

In addition, according to Arizona Statues 32-1024, collection agencies must be licensed in the state of Arizona. I have checked to see if you have a registered agency here in the state of Arizona and you have not, so you are practicing illegally in the state of Arizona.

I intend to follow through with the suit if I do not hear back from you within 15 days.

I look forward to hearing from you,

Your Name

Enclosures

http://www.ftc.gov/os/statutes/fdcpa/letters/wollman.htm http://www.ftc.gov/os/statutes/fdcpa/letters/cass.htm>