Debt Validation

Under the Federal Debt Collection Practices Act, you are allowed to challenge the validity of a debt that a collection agency states you owe to them. Use this letter and the following form to make the agency verify that the debt is actually yours and owed by you. Keep a copy for your files and send the letter registered mail.

Your Name

123 Your Street Address

Your City, ST 01234

Store

1. Street
2. City, State

Date

Re: Acct # XXXX-XXXX-XXXX-XXXX

To Whom It May Concern:

My mother and I are continually being called on the telephone by your firm over an alleged $9000 debt and my mother was threatened with having a lien put on her house and having her savings account taken. According to the information given to us by your firm, the date of last activity by the original creditor is July of 2001. The SOL on this alleged debt, even should it be ours, is 3 years in the state of South Carolina.

ABC Collections

1. NotOnYourLife Ave Chicago, IL

Date

Re: Acct # XXXX-XXXX-XXXX-XXXX

To Whom It May Concern:

I am continually being called on the telephone by your firm over an alleged $9000 debt.

I’m sure you are aware of the provisions in the Fair Debt Collection Practices Act (FDCPA), and I am requesting validation of this debt. I am requesting proof that I am indeed the party you are asking to pay this debt, and there is some contractual obligation which is binding on me to pay this debt. I request that you stop contacting us on the telephone and restrict your contact with us to writing, and only when you can provide adequate validation of this alleged debt. To refresh your memory on what constitutes legal validation, I am giving a list of the required documentation:

Complete payment history, the requirement of which has been established via Spears v Brennan 745 N.E.2d 862; 2001 Ind. App. LEXIS 509 and

Agreement that bears the signature of the alleged debtor wherein he agreed to pay the original creditor.

Letter of sale or assignment from the original creditor to your company. (Agreement with your client that grants you the authority to collect on this alleged debt.)

Intimate knowledge of the creation of the debt by you, the collection agency

I’m sure you know, under FDCPA Section 809 (b), you are not allowed to pursue collection activity until the debt is validated. You should be made aware that in TWYLA BOATLEY, Plaintiff, vs. DIEM CORPORATION, No. CIV 03-0762 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, 2004, the courts ruled that reporting a collection account indeed is considered collection activity.

This is my second request for debt validation – my first request, sent within 30 days of receipt of your initial contact, has gone unanswered.

In addition, According to the information given to us by your firm, the date of last activity by the original creditor is July of 1999. The SOL on this alleged debt, even should it be ours, is 5 years in the state of Illinois.

I’m sure you are aware of the provisions in the Fair Debt Collection Practices Act (FDCPA). However, I would like to point out that your firm has violated provisions of the FDCPA in the following respects:

1. by using deceptive or misleading representation for collection of the alleged debt and therefore violating 15 USC 1692e.

and

(b) by falsely representing the legal status of the alleged debt and therefore violating 15 USC 1692e(2)(A).

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. Under the FCRA and the FDCPA, each violation is subject to a $1000 fine, payable to me.

Your Name

Your Name

123 Your Street Address

Your City, ST 01234

ABC Collections

1. NotOnYourLife Ave Chicago, IL

Date

Re: Acct # XXXX-XXXX-XXXX-XXXX

To Whom It May Concern:

I am continually being called on the telephone by your firm over an alleged $9000 debt.

I’m sure you are aware of the provisions in the Fair Debt Collection Practices Act (FDCPA), and I am requesting validation of this debt. I am requesting proof that I am indeed the party you are asking to pay this debt, and there is some contractual obligation which is binding on me to pay this debt. I request that you stop contacting us on the telephone and restrict your contact with us to writing, and only when you can provide adequate validation of this alleged debt. To refresh your memory on what constitutes legal validation, I am giving a list of the required documentation:

Complete payment history, the requirement of which has been established via Spears v Brennan 745 N.E.2d 862; 2001 Ind. App. LEXIS 509 and

Agreement that bears the signature of the alleged debtor wherein he agreed to pay the original creditor.

Letter of sale or assignment from the original creditor to your company. (Agreement with your client that grants you the authority to collect on this alleged debt.) Coppola v. Arrow Financial Services, 302CV577, 2002 WL 32173704(D.Conn., Oct. 29, 2002) – Information relating to the purchase of a bad debt is not proprietary or burdensome. Debtor must phrase their request clearly to obtain: The source of a debt and the amount a bad debt buyer paid for plaintiff’s debt, how amount sought was calculated, where in issue a list of reports to credit bureaus, and documents conferring authority on defendant to collect debt. Intimate knowledge of the creation of the debt by you, the collection agency

I’m sure you know, under FDCPA Section 809 (b), you are not allowed to pursue collection activity until the debt is validated. You should be made aware that in TWYLA BOATLEY, Plaintiff, vs. DIEM CORPORATION, No. CIV 03-0762 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, 2004, the courts ruled that reporting a collection account indeed is considered collection activity.

I’m sure you are aware of the provisions in the Fair Debt Collection Practices Act (FDCPA). However, I would like to point out that your firm has violated provisions of the FDCPA in the following respects:

15 USC 1692e(2)(A). falsely representing the legal status of the alleged debt. I was an authorized user on this account and therefore am not liable for the debt. The user of this account was my father who is now deceased and his estate could not cover any of his debts.

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. Under the FCRA and the FDCPA, each violation is subject to a $1000 fine, payable to me.

Your Name

I’m sure you are aware of the provisions in the Fair Debt Collection Practices Act (FDCPA). However, I would like to point out that your firm has violated provisions of the FDCPA in the following respects:

1. by using deceptive or misleading representation for collection of the alleged debt and therefore violating 15 USC 1692e.

and

(b) by falsely representing the legal status of the alleged debt and therefore violating 15 USC 1692e(2)(A).

Specifically you violated this by stating that your firm would place a lien on my mother’s house or seize her savings account. This requires a judgment, which your firm does not have. Each violation of the FDCPA is subject to a $1000 fine plus lawyer’s fees. I will not hesitate to file suit should you decline to desist in these illegal activities.

In addition, under the (FDCPA), I have the right to request validation of the debt you say I owe you. I am requesting proof that I am indeed the party you are asking to pay this debt, and there is some contractual obligation which is binding on me to pay this debt. I request that you stop contacting us on the telephone and restrict your contact with us to writing, and only when you can provide adequate validation of this alleged debt. Per the Federal Trade Commission and numerous court rulings, debt validation consists of:

Complete payment history, the requirement of which has been established via Spears vs. Brennan and Agreement that bears the signature of the alleged debtor wherein he agreed to pay the original creditor.

Letter of sale or assignment from the original creditor to your company. (Agreement with your client that grants you the authority to collect on this alleged debt.)

Intimate knowledge of the creation of the debt by you, the collection agency

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. 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.

Your Name

Your Name

123 Your Street Address

Your City, ST 01234