



How to Dispute a Debt

Note: Use these instructions and letter to dispute a debt that a debt collector has contacted you about.

These instructions and letter may not be right for your case. They can not take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Do not change this letter. If you change the letter, you might lose language you need.

What Form Will I Need?

You will only need one form.

- If the debt collector validated your debt within the past 30 days, use the form letter for Debt Dispute Within 30 Days.
- If it has been more than 30 days since the debt collector validated your debt, use the form letter for Debt Dispute Letter After 30 Days.

What Words Do I Need to Know?



Debt Collector- A debt collector is a person or company that collects debt owed to a different person or company. A company that is collecting its own debts is **not** a debt collector. For example, if you owe money to a hospital, the hospital is not a debt collector. However, if the hospital has another company collect the debt from you, the other company is a debt collector.

Debt Validation- Debt validation is a requirement that a debt collector must send you written information about your debt, within 5 days after first contacting you about it. After the debt collector has validated the debt, you have 30 days to dispute it.

Debt Verification:- Debt verification is a requirement that, if you dispute some or all of a debt, the debt collector must provide a written explanation of why they think you owe it. When you dispute a debt, the debt collector must stop trying to collect it until they provide you with the debt verification.

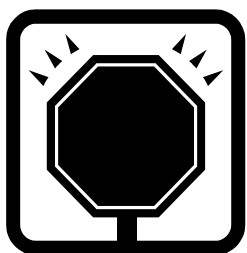
Fair Debt Collections Practices Act- The Fair Debt Collection Practices Act is a federal law. The law says what debt collectors can and can not do when they are trying to collect a debt. It also gives debtors certain rights if debt collectors break the law.

Who Can Use the Form?

You can use the form if:

- A debt collector is trying to collect a debt they say you owe;
- The debt was for personal, family, or household costs;
- You do not believe you owe some or all of the debt; and
- You want the debt collector to explain why they think you owe it.

You **can not** use this letter to make the original creditor stop contacting you.



Note: This letter does not make your debt go away.

The debt collector may still sue you to collect the debt. Always answer legal papers telling you that a debt collector is suing you.

Talk to a lawyer if you have any questions.

How Do I Use the Letter?

1 Fill in the Form

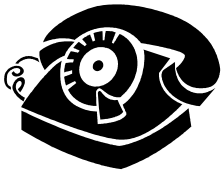
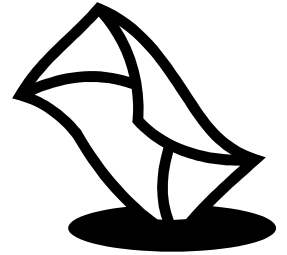
- Fill in all of the blanks on the form.
- Sign the letter.

2 Make a Copy

- Make at least one copy of the letter for yourself. Keep the copy in a safe place. It may be important if you have to go to court.

3 Mail Your Letter

- Mail your signed letter to the debt collector. Use Certified and Return Receipt mail. Certified and Return Receipt mail costs a bit more, but it's worth it. The debt collector will have to sign a receipt when they get the letter. The receipt will come back to you. Keep the receipt with your copy of the letter. It may be important later if you have to go to court.



What if the Debt Collector Ignores My Dispute and Keeps Trying to Collect the Debt?

When the debt collector gets your debt dispute letter, they must stop trying to collect the debt! They have to respond to your dispute by providing debt verification in writing before they can start trying to collect the debt again.

1 Keep a Record of Any Future Contact

- If the debt collector contacts you again, keep track of it. Keep any letters they send you. If they call you, keep a list of dates, times, the name of the person who called, and what the person said. These records may be important later if you have to go to court.

2 File a Complaint

- File a complaint with the Montana Attorney General by calling 800-481-6896 or by using the online complaint system at: <https://doj.mt.gov/consumer/consumer-complaints/>.

- File a complaint with the Federal Trade Commission by calling 1-877-382-4357. You may file a complaint online at www.ftc.gov.

3 Call a Lawyer!

- If the debt collector contacts you after they get your letter, they may have broken the law. You may be able to sue them. You can get money if the court finds that the debt collector broke the law. You may also get attorney's fees and court costs. You have one year from the date the debt collector broke the law to file a case. You will probably need a lawyer to do this.



Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at 1-406-444-3636 or by email at mtlawlibrary@mt.gov.
- **Self Help Law Centers** located throughout the state are able to assist you in finding additional legal and court information. To find out center hours or arrange an appointment, call a center near you: Billings (406) 869-3531; Bozeman (406) 582-2158; Great Falls (406) 454-6713 / (406) 437-2034; Helena (406) 444-9300; Kalispell (406) 758-2496; Missoula (406) 258-3428. For a complete list of self help services by area visit: <http://courts.mt.gov/selfhelp/default.mcp.x>.

(Letter to use for debt dispute within 30 days)

Date: _____
(mm/dd/yyyy)

From: _____
Your name

Your mailing address

City State Zip

To: _____
Debt collector's name

Debt collector's mailing address

City State Zip

Re: Debt Dispute Notice and Verification Request
Account Number: _____
(your account number with debt collector)

Dear _____:
(debt collector's name)

You recently contacted me about a debt your company is trying to collect from me, for
_____.
Original Creditor's Name

I received validation of this debt from your company on _____ less than 30
days from today's date.

I am writing to notify you that I dispute this debt and request the name and address of the original creditor. Please take the following steps, as required by the Fair Debt Collection Practices Act:

- 1) Send me the original creditor's name and address.
- 2) Send me verification of the debt.
- 3) Send me a complete accounting of the original debt.
- 4) Notify all Consumer Reporting Agencies to whom you have reported this debt that I am disputing it.

Please stop all efforts to collect this debt and do not contact me until you provide the verification requested above. If you do not comply with this request, you may be liable for damages for violating the Fair Debt Collection Practices Act. Thank you for your cooperation.

Sincerely,

Sign your name here

Print your name here

(Letter to use for debt dispute after 30 days)

Date: _____
(mm/dd/yyyy)

From: _____
Your name

Your mailing address

City State Zip

To: _____
Debt collector's name

Debt collector's mailing address

City State Zip

Re: Debt Dispute Notice and Verification Request
Account Number: _____
(your account number with debt collector)

Dear _____:
(debt collector's name)

You recently contacted me about a debt your company is trying to collect from me, for

Original Creditor's Name

I am writing to notify you that I dispute this debt and request the name and address of the original creditor. Please take the following steps, as required by the Fair Debt Collection Practices Act:

- 5) Send me the original creditor's name and address.
- 6) Send me verification of the debt.
- 7) Send me a complete accounting of the original debt.
- 8) Notify all Consumer Reporting Agencies to whom you have reported this debt that I am disputing it.

I do not know when or if I received validation of this debt from your company. I request that you treat this Dispute Notice and Verification Request as if it were made within the 30-day dispute period under the Fair Debt Collection Practices Act. I dispute this debt, and my dispute will be a valid defense in court regardless of when I make it.

Please stop all efforts to collect this debt and do not contact me until you provide the verification requested above. If you do not comply with this request, you may be liable for damages for violating the Fair Debt Collection Practices Act. Thank you for your cooperation.

Sincerely,

Sign your name here

Print your name here