

How to Tell a Debt Collector They Have Not Given You Proper Notice about Your Debt

Note: Use these instructions and letter to tell a debt collector that they have not given you proper written notice about your debt. The notice is called a “Debt Validation Notice” and is required by federal law.

These instructions and letter may not be right for your case. They cannot 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. The form is a letter Telling a Debt Collector That They Have Not Given You Proper Notice about Your Debt, which begins on page 6 of this packet.

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 Notice- Debt validation notice is written information that a debt collector must send you about your debt. They must send the information within 5 days after first calling or writing you about the debt. Sometimes the debt validation notice will be included in the first letter the debt collector sends you. A proper debt validation notice must have this information in it:

- How much you owe;
- The name of the creditor;
- That you have the right to dispute the debt within 30 days; and

- That if you dispute the debt, the creditor will provide written verification of it.

After the debt collector has given you the proper notice, you have 30 days to dispute it.

Debt Verification- If you dispute some or all of a debt, the debt collector must give you written information about why they think you owe it. This is called debt verification. When you dispute a debt, the debt collector must stop trying to collect it until they provide you with the debt verification.

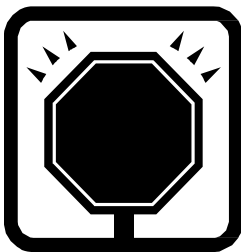
Fair Debt Collections Practices Act- The Fair Debt Collection Practices Act is a federal law. The law says what debt collectors can and cannot do when they are trying to collect a debt. It also gives debtors certain rights if debt collectors break the law.

Who Can Use the Letter?

You can use the letter if:

- A debt collector is trying to collect a debt they say you owe;
- The debt was for personal, family, or household costs; and
- The debt collector has not told you, in writing:
 1. How much you owe;
 2. The name of the creditor;
 3. That you have the right to dispute the debt within 30 days; and
 4. That if you dispute the debt, the creditor will provide written verification of it.

You **cannot** 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

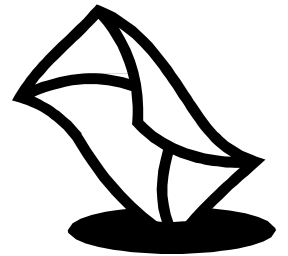
- Fill in all of the blanks on the form.
- Sign the letter.

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 Happens after the Debt Collector Validates the Debt?

Once the debt collector has given you proper notice, you may now wish to dispute it. You have 30 days to dispute the debt under the Fair Debt Collection Practices Act. Disputing the debt means that you disagree that you owe the debt or the amount they say you owe. The 30 days starts the day after you receive the debt validation notice from the debt collector. If you dispute your debt within 30 days, the debt collector must stop collection efforts and provide you with more information about the debt. To dispute your debt, use the Debt Dispute Letter.

What if the Debt Collector Does Not Validate the Debt?

If the debt collector does not validate the debt within 5 days, they have violated the federal Fair Debt Collection Practices Act. You can sue them for:

- Up to \$1,000 in statutory damages.
- Damages caused by the debt collector's illegal actions.
- Your court costs and attorney fees.

You will probably need a lawyer to sue a debt collector.

Also, your 30-day right to dispute the debt does not start until the debt collector validates the debt. They cannot try to collect the debt until they provide the required information. However, you can dispute the debt right away if you want to. You do not have to wait for the debt collector to validate the debt. If the debt collector tries to collect the debt without validating it or responding to your dispute, they are breaking federal law.

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 Department of Justice Office of Consumer Protection by calling 800-481-6896 or e-mailing ContactOCP@mt.gov. You can download the complaint form online at <https://dojmt.gov/consumer/>.
- File a complaint with the Federal Trade Commission by calling 1-877-382-4357. You may file a complaint online at www.ftc.gov.

- File a complaint with the Consumer Financial Protection Bureau (CFPB). The CFPB regulates the offering and provision of consumer financial products or services under the federal consumer financial laws. You may file a complaint with the CFPB online at <https://www.consumerfinance.gov/>.

3 Call a Lawyer!

- If the debt collector tries to collect a debt without giving you proper notice first, 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 or apply online at mtlsa.org or MontanaLawHelp.org.
- **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 <https://courts.mt.gov/Library>. You can contact a Reference Librarian at 1-(800) 710-9827 or by email at <https://courts.mt.gov/Library>.

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: Account Number _____ :
(your account number with the debt collector)

Dear _____ :

You recently contacted me about a debt your company says I owe. You: (Check all that apply)

called me on (date) _____
mm/dd/yyyy

wrote me a letter (date) _____
mm/dd/yyyy

Federal law says you must send me certain information within five days of contacting me. You did not send me the following information:
(Check all that apply)

The amount you think I owe.

The name of the original creditor.

Information about what I can do if I do not think I owe the debt.

A statement that if I deny this debt, you will verify it.

You have violated the Fair Debt Collection Practices Act. If I choose to sue you, a court could award me:

- any damages your actions have caused me;
- my court costs and attorney fees;
- up to \$1000 for additional statutory damages.

Please do not try to collect this debt and do not contact me unless you send me all information required by federal law.

My 30-day right to dispute this debt will not begin until I have received this information from you.

Thank you.

Sincerely,

Sign your name here

Print your name here