



***WHAT TO SAY AND DO...***  
**WHEN CREDITORS AND COLLECTORS CALL**



## What to say when a collector calls you

Are you or your clients getting harassing phone calls? Do you need to make them stop? There are a number of important things to know when dealing with a debt collector. Some points deserve more conversation but for the sake of brevity, I'm going to write specifically to the point of getting the phone calls to stop.

### Step#1 - What to say when they call



The [FDCPA](#) (Fair Debt Collection Practices Act) provides you a lot of protection as a consumer. One of those rights allows you to request a stop on communication. This section of the [FDCPA](#) is a must read and can be found [here](#).

When a debt collector calls you can inform them of the following (and then follow it up in writing):

*By my rights under the Fair Debt Collection Practices Act I am requesting that all communication regarding this or any other alleged debt be made through the United States Postal Services only. Any attempt to contact me via telephone at my home, work (Beyond the one call to verify employment), a relative, on my cellphone, or any other location that you may have on file will result in me filing a complaint with the Attorney General's office and the Federal Trade Commission for harassment. Civil and criminal claims will be pursued.*

Understand that this verbal request must be followed up by a written request. Mention the section of the code specifically: [15 USC 1692c\(c\)](#)

The collector may attempt to get you to discuss the debt through insult. I have heard of individuals being called every name under the sun and in the book (which is not permissible by law - see examples: [Horkey v. JVD & Associates](#), and read section 806(2) of the [FDCPA](#)) Do not let them bait you into conversation. Simply remind them of your rights and return to the above statement no matter what they say. **Do NOT admit to the debt or express your desire to pay the debt.** (Until the debt has been validated with proper paper work from the original creditor, it remains an alleged debt.)

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## Step #2 - Put it in Writing

You need to put in writing the above verbal request. While the above can and will get them to stop calling, putting it in writing establishes the paper trail which is very important should the calls continue.



A sample letter could be as simple as the following:

Your Name Your  
AddressDate:  
Collection Agency  
Collection Agency  
AddressSubject:  
Debt Collection Attempt on [Your  
Name]Creditor Name: [creditor]  
Account #: [account #] To

whom it may concern,

I am writing to inform you that based on my rights under the Fair Debt Collection Practices Act section 15 USC 1692c (c) that I am formally requesting any and all communication regarding this or any other alleged debt that your offices may be attempting to collect from me be conducted only through the United States Postal Services. Any further attempt to contact me by phone at, but not limited to, my home, work, relatives, friends, on my cellphone or any other such number that you may have on file for me will result in a complaint being filed with the Federal Trade Commission and the [your state] Attorney General's office. Civil and criminal claims will be pursued.

Sincerely,  
[Your Name]

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While these actions will stop the calls, be warned that stopping the calls never negates the debt or your responsibility to deal with it. If you don't dispute the debt with the collector within 30 days the debt collector can assume the debt is valid so you may wish to include in your contact with them a request for the validity of the debt. This can be as simple as adding to the above the following:

*Additionally, I am requesting that you provide validation of this debt. Be advised that a printout of my address and the amount that I allegedly owe does not suffice as validation of the debt. Acceptable validation must include documentation from the original creditor.*



It is imperative that you send the letter certified mail so that you can establish a formal timeline. The debt collection agency must verify the debt within 30 days. It is not allowable during that period to continue to attempt to collect the debt.

Should the collection agency list the item with TransUnion, Equifax, or Experian, you can dispute the validity of the claim. Do so in hand written letter (typed letters are read by computer while hand written ones must be read by a human) and provide copies of the certified letter and receipts.

Some things you might want to know regarding the FDCPA and what debt collectors are NEVER allowed to do:

- **Call repeatedly or continuously** —The FDCPA considers repeat calls as harassment. [15 USC 1692d] § 806(5)
- **Call before 8:00 am or after 9:00 pm** — Calls during these times are considered harassment. [15 USC 1692c] § 805(a)(1)
- **Repeatedly call a third party to get your location information** — The collector can only contact a third party once unless it has reason to believe the information previously provided is false. [15 USC 1692b] § 804(1)

We hope you find this information is useful. Since someone pointed out in the past that some of this information sounded like legal advice to them, we want to make COMPLETELY CLEAR: We are NOT attorneys. If you are not an attorney, I do not advise representing yourself in a legal situation (Especially one with substantial consequences should you fail.) Abraham Lincoln once said, "The man who represents himself has a fool for a client." THAT being said, there are some situations that you can easily handle yourself. Just be smart and know your limitations.

Should you want professional help in dealing with these calls or in working to improve your credit, please contact Clover Credit Solutions at 281-631-5461 or by e-mail at [support@clovercreditsolutions.com](mailto:support@clovercreditsolutions.com)

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