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Debt Rehabilitation Letter

Often times because of the failure to pay debts or because of bankruptcy, it becomes necessary that a person take certain steps in order to correct their credit history and in order to reestablish their credit. There are three key acts which can be viewed on the FTC government web site: <http://www.ftc.gov>. The Fair Debt Collection Act, The Equal Credit Opportunity Act and the Fair Credit Reporting Act. A full discourse on these is beyond the scope of this letter. Other state and federal laws may be extremely important to filling out your rights such as slander laws, fraud laws, criminal laws and the like. Some sections of the FCRA are important and an abbreviated discussion follows:

Q. What can I do about inaccurate or incomplete information?

A. Under the new law, both the CRA and the information provider have responsibilities for correcting inaccurate or incomplete information in your report. To protect all your rights under

this law, contact both the CRA and the information provider.

First, tell the CRA **in writing** what information you believe is inaccurate. CRAs must reinvestigate the items in question - usually within 30 days -- unless they consider your dispute frivolous. They also must forward all relevant data you provide about the dispute to the information provider. After the information provider receives notice of a dispute from the CRA, it must investigate, review all relevant information provided by the CRA, and report the results to the CRA. If the information provider finds the disputed information to be inaccurate, it must notify all nationwide CRAs so that they can correct this information in your file.

When the reinvestigation is complete, the CRA must give you the written results and a free copy of your report if the dispute results in a change. If an item is changed or removed, the CRA cannot put the disputed information back in your file unless the information provider verifies its accuracy and completeness, and the CRA gives you a written notice that includes the name, address, and phone number of the provider.

Second, tell the creditor or other information provider **in writing** that you dispute an item. Many providers specify an address for disputes. If the provider then reports the item to any CRA, it must include a notice of your dispute. In addition, if you are correct -- that is, if the information *is* inaccurate -- the information provider may not use it again.

Q. What can I do if the CRA or information provider won't correct the information I dispute?

A. A reinvestigation may not resolve your dispute with the CRA. If that's the case, ask the CRA to include your statement of the dispute in your file and in future reports. If you request, the CRA also will provide your statement to anyone who received a copy of the old report in the recent past. There usually is a fee for this service.

If you tell the information provider that you dispute an item, a notice of your dispute must be included anytime the information provider reports the item to a CRA.

Q. How long can a CRA report negative information?

A. Seven years. There are certain exceptions:

- _ Information about criminal convictions may be reported without any time limitation.
- _ Bankruptcy information may be reported for 10 years.
- _ Information reported in response to an application for a job with a salary of more than \$75,000 has no time limit.
- _ Information reported because of an application for more than \$150,000 worth of credit or life insurance has no time limit.
- _ Information about a lawsuit or an unpaid judgment against you can be reported for seven years or until the statute of limitations runs out, whichever is longer.
- **Q. Where should I report violations of the law?**

- A. Although the FTC can't act as your lawyer in private disputes, information about your experiences and concerns is vital to the enforcement of the Fair Credit Reporting Act. Send your questions or complaints to:

Consumer Response Center -- FCRA Federal Trade Commission Washington, D.C. 20580.

For More Information

The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint or get free information on consumer issues, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the [complaint form](#) at www.ftc.gov. The FTC enters Internet, telemarketing, identity theft and other fraud related complaints into [Consumer Sentinel](#), a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

The first thing that needs to be done in rebuilding credit is to get a list of who money is owed to and either attempt a workout with the person or to otherwise satisfy the indebtedness.

If the problem appears to be mainly with the credit bureau and not with the debt which has been written off or has otherwise disappeared, an objection can be made to the credit bureau in a form letter which could be used is attached hereto.

It is important that a list be made of who these letters are sent to that copies of these letters be sent and that they be followed up with.

Since there are several Credit Reporting Agencies, it is important that each one get a letter.

[Equifax](#) P.O. Box 740241 Atlanta, GA 30374-0241 (800) 685-1111.

[Experian](#) P.O. Box 2104 Allen, TX 75013 (888) EXPERIAN (888-397-3742).

[Trans Union](#) P.O. Box 1000 Chester, PA 19022 (800) 916-8800.

Q. I have received my discharge but a creditor has not returned title.

A. The motion below requires a fee be paid and that your case be re-opened. It is expensive and time consuming. Start by sending your creditor a letter demanding the title and setting forth all relevant information on the debt and a statement that you will seek sanctions if necessary. Keep a copy of the letter and send it via certified mail return receipt requested. Attach the receipt when it comes back to your copy. Wait 30 days and then send another letter with a copy of the first using the same procedure. In this way if you do need to retain counsel you have proof that you did what you could to avoid this expense.

MOTION FOR SANCTIONS FOR VIOLATION OF THE DISCHARGE STAY

COMES NOW, DEBTOR in the above styled cause and moves for the court to find that the creditor be held liable for violation of the automatic stay and in support thereof would allege and show as follows:

1.) On _____ the debtor received a discharge. _____ at that point in time had a security interest holding the title on a _____.

2.) Over the next 24 months the debtor has patiently attempted to get that information directly and within the last 60 days has resorted to counsel in order to get the title on her vehicle.

3.) As shown on the faxes which are attached, after a telephone call in an attempt to get a response, a written request was made by counsel and this, unfortunately, appears to have been ignored.

4.) 24 months is more than enough time and while the debtor has taken every possible step to avoid hiring counsel and incurring legal fees, it no longer appears likely that this matter can be resolved.

5.) Debtor has also discovered improper credit reporting and as shown has attempted to get this corrected.

6.) Debtor has been unsuccessful.

Wherefore, after notice and hearing, your petitioner respectfully requests that the court find the creditors violated the DISCHARGE stay and issue damages to the debtor plus attorney's fees and costs in this matter.

Some form letters

(DATE)

FROM: (NAME)
(ADDRESS)
(CITY, STATE, ZIP)
(SOCIAL SECURITY NUMBER)
(TELEPHONE NUMBER)

Re: (ACCOUNT NUMBER, AMOUNT OF DEBT, CREDITOR)

(ADDRESS OF CREDIT COMPANIES)

Dear Sirs:

In my credit report which I obtained on the ___ day of _____, 200_, the above referenced debt was listed.

Please take this as notice that I object to this and request that it be immediately removed from my credit report. (INCLUDE ANY SPECIFIC FACTS WHICH CLEARLY EXONERATE YOU FROM THIS DEBT. SINCE ANY SPECIFIC INFORMATION MAY BE USED AS EVIDENCE, YOU MAY WISH TO CONSULT WITH COUNSEL RELATIVE TO THIS).

This is also a demand that any evidence that you have in connection with the validity of that debt be delivered to me at this point in time.

This request is made pursuant to The Fair Debt Collection Act, The Equal Credit Opportunity Act and the Fair Credit Reporting Act. and the immediate removal of this credit reference and a copy of my corrected credit report and a copy of any investigative report or other report generated in response to this demand is hereby requested.

Sincerely,

(NAME)
(Date)

FROM: (NAME)
(ADDRESS)
(CITY, STATE, ZIP)
(SOCIAL SECURITY NUMBER)
(TELEPHONE NUMBER)

Re: (ACCOUNT NUMBER, AMOUNT OF DEBT, CREDITOR)

(ADDRESS OF CREDIT COMPANIES)

Dear Sirs:

You may continue to contact me in writing, but please do not call me or anyone connected with me further in connection with this matter unless you get separate written authority.

This is also a demand that any evidence that you have in connection with the validity of that debt be delivered to me at this point in time.

This request is made pursuant to The Fair Debt Collection Act, The Equal Credit Opportunity Act and the Fair Credit Reporting Act.

Sincerely yours,

(NAME)