

CONSUMER TIPS: DEALING WITH DEBT COLLECTORS

From the Office of Minnesota Attorney General Lori Swanson

The problem of debt collectors attempting to collect payments from consumers who do not actually owe the debts is increasing. The Minnesota Attorney General's Office offers these tips to Minnesota consumers when dealing with debt collectors where the validity of the debt is disputed.

- **Request proof of the alleged debt.** Debt collectors are required to provide verification of a debt when requested by a consumer. You may write to the collector within 30 days after you receive the initial letter or call about the debt to request verification of the debt. If you tell the collector that it has the wrong individual, and that you do not owe the debt, the burden of proof shifts back upon the company to demonstrate the debt is yours.
- **Request a copy of your credit report.** Consumers should request a copy of their credit report. Old or invalid debts can appear on credit reports without your knowledge. Reviewing your credit report on a regular basis can help you ensure that the information it contains is accurate.

You may obtain a free copy of your credit report by:

- 1) Logging on to www.AnnualCreditReport.com
- 2) Calling: 1-877-322-8228
- 3) Writing: Annual Credit Report Request Service
P.O. Box 105281, Atlanta, GA 30348-5281

- **Collectors can request payment of old debts.** The law does not prevent a collector from asking you to pay a debt that is so old they could no longer file a lawsuit. If you believe that the debt is not yours, ask the collector to provide proof that you owe the debt.
- **Do not ignore court papers.** Do not ignore legal papers from collectors' attorneys or the courts. You need to respond to a lawsuit that is attempting to collect a debt, even if the debt is disputed.

CONSUMERS HAVE ADDITIONAL RIGHTS WHEN DEALING WITH DEBT COLLECTORS, EVEN WHEN THE VALIDITY OF THE DEBT IS NOT AN ISSUE:

- **When collectors can contact you.** Collectors may only contact you by mail, telephone, or fax between the hours of 8:00 a.m. and 9:00 p.m.
- **How to stop creditors from calling or writing.** You can stop collectors from calling or writing to you by sending them a letter asking them to stop. This, however, will not prevent the

collector from taking other action to collect the debt. Once they receive your request, they can only contact you to tell you that they are stopping their collection efforts or tell you what legal remedies they intend to pursue.

■ **Collectors cannot talk to others about an alleged debt.** Collectors cannot tell others that you owe a debt. They can contact others, without disclosing the reason, in an attempt to locate your home address, phone, or work location. However, they cannot contact you at work if they have reason to believe that your employer prohibits such communications.

■ **Collectors cannot harass or abuse consumers.** Collectors cannot harass or abuse you, or anyone they contact. They cannot threaten to harm you, or call you repeatedly in an attempt to annoy you.

■ **Collectors cannot mislead consumers.** Collectors cannot use false, deceptive, or misleading statements when trying to collect a debt. They cannot threaten to report false information about you to a credit bureau.

■ **Collectors cannot use unfair practices.** Collectors may not use unfair means to collect a debt. They cannot collect any amount greater than your debt or threaten to take your property unless they can legally do so.

IF YOU HAVE BEEN CONTACTED BY A DEBT COLLECTOR IN AN ATTEMPT TO COLLECT A DEBT THAT YOU DO NOT BELIEVE YOU OWE, YOU MAY CONTACT THE MINNESOTA ATTORNEY GENERAL'S OFFICE AS FOLLOWS:

**Office Of Minnesota Attorney General Lori Swanson
1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101
1-800-657-3787 or 651-296-3353
www.ag.state.mn.us**

